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POOR LAWS  
OF THE  
STATE OF NEW-YORK,  
CONTAINING  
THE FIRST SIX TITLES  
OF  
CHAPTER XX.  
OF THE  
FIRST PART OF THE REVISED STATUTES,  
AND SUCH  
SUBSEQUENT ACTS AS RELATE TO THE SUPPORT AND MANAGEMENT  
OF THE POOR;  
TO WHICH ARE ADDED  
SUITABLE FORMS WITH NOTES AND EXPLANATIONS.

---

PREPARED AND PUBLISHED BY  
HENRY S. RANDALL,  
SECRETARY OF STATE,

IN PURSUANCE OF A CONCURRENT RESOLUTION OF THE LEGISLATURE,  
PASSED MARCH 30, 1853.

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1853.





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215th  
124300

## CONCURRENT RESOLUTION.

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IN SENATE, *March 30, 1853.*

*Resolved* (if the Assembly concur), That the Secretary of State be directed to cause all the laws in force in this State, relating to the support of the poor, to be collected and published in pamphlet form, with such notes and explanations as in his opinion are necessary for the understanding of the same; that he cause seven thousand five hundred copies of the same to be printed, of which he shall distribute one copy to each town clerk, clerk of the board of supervisors, and superintendent of the poor, and town overseers of the poor, through the clerks of the several counties; and the remaining copies shall be held by him, subject to the direction of the Legislature.

By order,

IRA P. BARNES, *Clerk.*

IN ASSEMBLY, *April 4, 1853.*

*Resolved*, That the Assembly do concur in the passage of the foregoing resolution.

By order,

JOHN S. NAFEW, *Clerk.*

## THEORY OF THE EARTH

### CHAPTER I

The Earth is a sphere, and its surface is covered by water. The land is divided into continents and islands. The continents are Asia, Europe, Africa, and America. The islands are scattered throughout the world. The Earth is divided into four quarters, called the Eastern Hemisphere and the Western Hemisphere. The Eastern Hemisphere is the part of the world to the east of the Prime Meridian, and the Western Hemisphere is the part to the west. The Prime Meridian is a line of longitude that runs from the North Pole to the South Pole, passing through Greenwich, England. The Equator is a line of latitude that runs around the middle of the Earth, dividing it into the Northern Hemisphere and the Southern Hemisphere. The Northern Hemisphere is the part of the world north of the Equator, and the Southern Hemisphere is the part south of the Equator. The Earth is divided into 180 degrees of longitude and 90 degrees of latitude. The degrees of longitude are numbered from 0 to 180, and the degrees of latitude are numbered from 0 to 90. The Earth is divided into 12 time zones, each 15 degrees wide. The time zones are numbered from 1 to 12, and the time in each zone is one hour different from the time in the adjacent zones. The Earth is divided into 5 continents, each with its own capital city. The continents are Asia, Europe, Africa, America, and Australia. The capital cities are Tokyo, London, Cape Town, Washington, and Canberra. The Earth is divided into 194 countries, each with its own flag. The countries are numbered from 1 to 194, and the flags are numbered from 1 to 194. The Earth is divided into 194 countries, each with its own flag. The countries are numbered from 1 to 194, and the flags are numbered from 1 to 194.

THE EARTH IS A SPHERE, AND ITS SURFACE IS COVERED BY WATER.

### CHAPTER II

The Earth is a sphere, and its surface is covered by water. The land is divided into continents and islands. The continents are Asia, Europe, Africa, and America. The islands are scattered throughout the world. The Earth is divided into four quarters, called the Eastern Hemisphere and the Western Hemisphere. The Eastern Hemisphere is the part of the world to the east of the Prime Meridian, and the Western Hemisphere is the part to the west. The Prime Meridian is a line of longitude that runs from the North Pole to the South Pole, passing through Greenwich, England. The Equator is a line of latitude that runs around the middle of the Earth, dividing it into the Northern Hemisphere and the Southern Hemisphere. The Northern Hemisphere is the part of the world north of the Equator, and the Southern Hemisphere is the part south of the Equator. The Earth is divided into 180 degrees of longitude and 90 degrees of latitude. The degrees of longitude are numbered from 0 to 180, and the degrees of latitude are numbered from 0 to 90. The Earth is divided into 12 time zones, each 15 degrees wide. The time zones are numbered from 1 to 12, and the time in each zone is one hour different from the time in the adjacent zones. The Earth is divided into 5 continents, each with its own capital city. The continents are Asia, Europe, Africa, America, and Australia. The capital cities are Tokyo, London, Cape Town, Washington, and Canberra. The Earth is divided into 194 countries, each with its own flag. The countries are numbered from 1 to 194, and the flags are numbered from 1 to 194.

## NOTE,

### AS TO THE NUMBERING OF THE SECTIONS.

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For the purpose of reference, the sections in this pamphlet are numbered in consecutive order, from the first section of a title to the last, including those which were in the Revised Statutes as well as those which were taken from acts subsequently passed. The numbers included in brackets, and distinguished by the abbreviation [Sec.], represent the *original* number of the section in the Revised Statutes. Where this *original* number is the same as that assigned to the section, as above stated, it is published with that number only. Every section which was *not* one of the Revised Statutes, or directed to be therein inserted as an original section by an act of the Legislature, is followed by a note at the end of it, indicating the chapter of the Session Laws from which it is taken. Thus, § 22 is inserted with this note at the end: [*Sec. 1, of chap. 327, of 1848.*] Every section therefore which is not followed by such a note, is to be taken as one of the original Revised Statutes, or as having been directed to be inserted as an original section by an act of the Legislature.



**POOR LAWS**  
**OF THE**  
**STATE OF NEW-YORK.**

---

**CHAPTER 20.**

**PART FIRST OF THE REVISED STATUTES.**

---

*Of the Internal Police of this State.*

- TITLE 1.** Of the relief and support of indigent persons.
2. Of beggars and vagrants.
  3. Of the safe keeping and care of lunatics, (and of the State Lunatic Asylum.)
  4. Of the care of habitual drunkards.
  5. Of disorderly persons.
  6. Of the support of bastards.

**TITLE I.**

*Of the relief and support of indigent persons.*

- SEC.** 1 to 8. Certain relatives of a pauper, being able, bound to support him; proceedings to compel it.
- 8 to 13. Cases in which property of father, &c., absconding, may be seized, and proceedings thereon.
14. Who shall be relieved as poor persons.
15. County superintendents of the poor to be elected; oath, compensation, &c.
16. When to be elected.
17. Tenure of office; classification, &c.
- 18 & 19. Vacancies, how supplied.
20. Five to be elected in Kings county.
21. Office of superintendent of the poor abolished in Albany county.
- 22 to 27. Bond, when and to whom to be given, &c.
27. Supervisor and county treasurers ineligible as superintendents of the poor.
28. To be a corporation; their powers and duties enumerated.

## POOR LAWS OF THE

- Sec. 29. In certain cases to appoint a keeper and physician for the poor-house.
30. To cause poor children to be taught.
31. Expenses, how defrayed.
32. County poor-houses may be erected; expense limited; how collected.
33. Superintendents of county poor-houses to be county superintendents of the poor.
34. In certain counties, excise money to be paid to county treasurers.
35. Also, moneys collected from relatives of paupers; penalties, &c.
36. When all paupers made a county charge, notice to be given, &c.
37. Application of excise money and penalties in other counties.
38. In Warren, Washington, Saratoga and Genesee, poor to be a county charge.
39. In all other counties, supervisors may declare poor a county charge.
40. Copy of resolution to be served on clerks of cities, towns and villages.
41. In such case, excise money and penalties to be paid to county treasurer.
42. Payment enforced by suit by county treasurer.
43. In other counties than those before specified, poor, how to be supported.
44. Settlements, how gained; minors, how to gain settlement.
45. Certain residences not to give settlement.
46. Paupers not to be removed; how supported.
- 47 & 48. Proceedings to determine in what town pauper is settled; cost thereof.
49. Town chargeable with pauper to support him; how compelled.
50. County paupers, proceedings to ascertain who are such.
- 51 & 52. Proceedings where there are no county poor-houses.
53. Decisions of superintendents, how to be entered and filed; their effect.
54. Provisions for relief to paupers in counties where there are poor-houses.
55. Expense of removal and temporary support, how allowed and paid.
56. Paupers sent to county poor-house, how supported; when discharged.
57. Proceedings when pauper cannot be removed to county poor-house.
- 58 & 59. Relief, how afforded to paupers in counties not having poor-houses.
60. If pauper has no legal settlement in the county, notice to be given, &c.
61. County poor, how supported in counties not having poor-house.
62. County treasurer to keep accounts with towns liable to support their poor.
63. Superintendents to state charges against such towns for the support of their poor.
64. Accounts to be laid before supervisors; balances against towns, how collected.
65. Sums necessary to support county poor; how raised and kept.
66. Accounts to be kept by overseers of the poor in counties not having poor-houses.
67. When to be submitted to town auditors; how audited and settled.
68. Penalty for neglect to present books and render accounts.
69. Overseers' accounts and estimates to be exhibited at town-meeting.

## STATE OF NEW-YORK.

- Sec. 70. Money for support of town poor, how ascertained, raised, and to whom paid.
71. Accounts in certain cities, to whom exhibited; moneys, how raised.
72. Accounts of overseers and justices, for services, how audited and paid.
73. Accounts for county paupers, how settled.
74. Penalty for removing, &c., paupers, with intent to charge any city, town or county.
75. Pauper removed, how supported; notice of removal, &c., to be given.
76. Officers, receiving notice, to take pauper or deny their liability.
77. Consequence of neglect.
78. Upon denial being made, suit to be brought; consequence of neglect.
79. Penalty on superintendents for neglect to render accounts or pay over moneys.
80. Penalty for bringing paupers into this state; how applied.
- 81 & 82. Penalties, when collected, how to be applied; to whom to be paid.
83. Duty of overseers to prosecute for penalties directed to be collected by them.
- 84 to 87. Allowance for costs and daily pay for attending to suits.
87. Paupers now maintained by a county or several towns, to continue.
88. Town poor-houses erected by one or more towns, may be continued.
89. Poor-houses, &c., exempt from taxes; keepers exempt from militia service, &c.
90. Provision for support of idiots and lunatics out of county poor-houses.
91. Application of poor moneys of any town that are invested.
92. County superintendents to report annually to secretary of state.
- 93 & 94. Additional matters to be reported by superintendents; penalty for neglect.
95. Forms to be furnished by secretary of state, who is to report annually to the Legislature.
96. Supervisors of towns supporting their own poor, to report to clerk of supervisors.
97. Clerk of supervisors to deliver abstracts of reports to superintendents.
98. Penalty for neglect to report, and for false report; how collected.
99. Secretary of state to lay abstract of reports before the Legislature.
100. In counties where no county poor-house, poor moneys to be received, &c., by overseers of poor.
101. In such counties, excise moneys to be paid over to overseers.
102. In such counties and in certain others, commissioners of excise to pay over moneys.
103. Supervisors of Genesee may restore distinction between town and county poor.
104. Overseers of the poor may maintain them in towns, &c.
- 105 & 106. Distinction may be restored in Lewis county; notice to be given.
107. Excise money and fines, how to be applied.
- 108 & 109. Distinction may be restored in Herkimer, Tioga and Saratoga.
- 110 & 111. Also in Jefferson, Chautauque, Cattaraugus, Otsego and Steuben.
- 112 & 113. Also in Essex, Oneida and Dutchess.



## POOR LAWS OF THE

- SEN. 114. Distinction may be restored in Livingston, Sullivan, Broome, Cortland, Orange, Allegany, Seneca, Franklin, Onondaga and Ulster.
115. Expense of relief of poor in Livingston co., before removal to county poor-house, shall be a town charge.
116. Overseers of poor of said county to provide for temporary relief.
117. Names, ages, &c., of poor relieved, to be entered in a book by overseers.
118. Overseers required to lay book before town auditors.
119. Their accounts, how audited.
120. Town auditors to certify the names, ages, &c., of persons relieved.
121. Estimate to be made of amount necessary to be raised for temporary relief for the ensuing year.
122. Board of supervisors required to examine accounts of superintendents.
- 123 & 124. Other counties (except New-York and Kings), may adopt the provisions of the Livingston county act.
- 125 to 133. Provisions relating to poor in Kings county.
- 133 to 141. Provisions relating to poor in Montgomery county.
141. Temporary relief in Albany county.
142. Overseers in Lewis county required to give bonds.
- 143 to 148. Provisions relating to poor in Wayne county.
- 148 & 149. Provisions relating to poor in Westchester county.
150. No. of superintendents to be elected in Rensselaer county.
151. Excess money in Orleans county must be expended for temporary relief.
- 152 to 155. Provisions relating to poor in Dutchess co.
- 155 to 167. Provisions relating to poor in Herkimer co.
- 167 to 179. Provisions relating to poor in Jefferson co.
- 179 to 185. Provisions relating to poor in Onondaga co.

Paupers to be supported by relatives. T. Cowen, 223.

How compelled.

Power of court.

SECTION 1. The father, mother, and children, who are of sufficient ability, of any poor person who is blind, old, lame, impotent or decrepit, so as to be unable by work to maintain himself, shall, at their own charge, relieve and maintain such poor person, in such manner as shall be approved by the overseers of the poor of the town where such poor person may be.

§ 2. Upon any failure of any such relative so to relieve and maintain any such poor person, it shall be the duty of the overseers of the poor of the town where such poor person may be, to apply to the court of sessions of the county where such relative may dwell, for an order to compel such relief; of which application, at least fourteen days' notice, in writing, shall be given, by serving the same personally, or by leaving the same at the last place of dwelling of the individual to whom the same may be directed, in case of his absence therefrom, with some person of mature age.

§ 3. The court to which the said application may be made, shall proceed in a summary way to hear the al-

legations and proofs of the parties, and shall order such of the relatives aforesaid of such poor person as appear to be of sufficient ability to relieve and maintain such person, and shall therein specify the sum which will be sufficient for the support of such poor person, to be paid weekly. And the said court shall therein direct the relative or relatives, who shall perform that duty, in the following order: The father shall be first required to maintain such poor person; if there be none, or he be not of sufficient ability, then the children of such poor person; if there be none, or they be not of sufficient ability, then the mother.

§ 4. If it shall appear that any such relative is unable wholly to maintain such poor person, but is able to contribute towards his support, the court may, in its discretion, direct two or more relatives, of different degrees, to maintain such poor person, and shall prescribe the proportion which each shall contribute for that purpose; and if it shall appear that the relatives liable as aforesaid, are not of sufficient ability wholly to maintain such poor person, but are able to contribute something, the court shall direct the sum, in proportion to their ability, which such relatives shall pay weekly for that purpose.

*Ib. Proportions.*

§ 5. Such order may specify the time during which the relatives aforesaid shall maintain such poor person, or during which any of the said sums so directed by the court shall be paid, or it may be indefinite, and until the further order of the court. The court may from time to time vary such order, whenever circumstances shall require it, on the application, either of any relative affected thereby, or of any overseers of the poor of the town, upon fourteen days' notice being given.

*Order of court.*

§ 6. The costs and expenses of such application shall be ascertained by the court, and paid by the relatives against whom any order may be made; and the payment thereof, and obedience to the order of maintenance, and to any order for the payment of money, may be enforced by process of attachment.

*How enforced; costs.*

§ 7. If any relative who shall have been required, by such order, to relieve or maintain any poor person, shall neglect to do so, in such manner as shall be approved by the overseers of the poor of the town where such poor

*Suits by overseers.*

person may be, and shall neglect to pay to such overseers weekly the sum prescribed by the court for the support of such poor person, the said overseers may maintain an action, as for moneys had and received, against such relative, and shall recover therein the sum so prescribed by the said court for every week the said order shall have been disobeyed, up to the time of such recovery, with costs of suit, for the use of the poor.<sup>1</sup>

Father, &c.,  
absconding.  
21 Wen.,  
181.

§ 8. Whenever the father, or mother being a widow or living separate from her husband, shall abscond from their children, or a husband from his wife, leaving any of them chargeable or likely to become chargeable upon the public for their support, the overseers of the poor of the town where such wife or children may be, may apply to any two justices of the peace of any county in which any estate, real or personal, of the said father, mother, or husband, may be situated, for a warrant to seize the same. Upon due proof of the facts aforesaid, the said justices shall issue their warrant, authorizing the said overseers to take and seize the goods, chattels, effects, things in action, and the lands and tenements of the person so absconding.<sup>2</sup>

Effect of  
warrant.

§ 9. By virtue of such warrant, the said overseers may seize and take the said property, wherever the same may be found, in the same county; and shall be vested with all the right and title to the said property, which the person so absconding had, at the time of his or her departure. All sales and transfers of any personal property left in the county from which such person absconded, made by him, after the issuing of such warrant, whether in payment of an antecedent debt, or for a new consideration, shall be absolutely void. The overseers shall immediately make an inventory of the property so seized by them, and return the same, together with their proceedings, to the next court of sessions of the county where such overseers reside, there to be filed.

Duty of  
overseers.

Proceedings  
by general  
sessions.

§ 10. The said court, upon inquiring into the facts and circumstances of the case, may confirm the said warrant and seizure, or may discharge the same; and if the same be confirmed, shall, from time to time, direct what part

(1) 1 R. L. 238, § 21; Laws of 1821, p. 114, § 4. "Sessions" substituted for "general sessions of the peace." (2) 1 R. L. 238, § 22.

of the personal property shall be sold, and how much of the proceeds of such sale, and of the rents and profits of the real estate, if any, shall be applied towards the maintenance of the children or wife of the person so absconding.

§ 11. If the party against whom such warrant shall issue, return and support the wife or children so abandoned, or give security satisfactory to any two justices of the town, to the overseers of the poor of the town, that the wife or children so abandoned shall not become, or thereafter be, chargeable to the town or county, then such warrant shall be discharged, by an order of such justices, and the property taken by virtue thereof shall be restored to such party.

Warrant,  
when jus-  
tice may  
discharge.

§ 12. The overseers shall sell at public vendue the property so ordered to be sold, and shall receive the rents and profits of the real estate of the person so absconding; and in those towns which are required to support their own poor, the overseers shall apply the same to the maintaining, bringing up and providing for the wife, child or children so left and abandoned, and for that purpose shall draw on the county treasurer for the said proceeds, as hereinafter directed. They shall account to the court of sessions of the peace for all moneys so received by them, and for the application thereof, from time to time, and may be compelled by the said court to render such account at any time.

Powers and  
duties of  
overseers.

§ 13. In those counties where all the poor are a charge upon the county, the superintendents of the poor shall be vested with the same powers, rights and authority, as are hereinbefore given to the overseers of the poor of any town, in respect to compelling relatives to maintain paupers, and in respect to the seizure of the property of any parent absconding and abandoning his or her family, and shall be entitled to the like actions and remedies in their names, and shall perform the duties hereinbefore required of overseers, and subject to the same obligations and control.

Id. of coun-  
ty superin-  
tendents.

§ 14. Every poor person who is blind, lame, old, sick, impotent or decrepit, or in any other way disabled or enfeebled, so as to be unable by his work to maintain himself, shall be maintained by the county or town in which he may be, according to the following provisions,

Paupers to  
be relieved.

Provision  
respecting  
the number  
of superin-  
tendents to  
be elected.

§ 15. It shall be lawful, hereafter, for the board of supervisors in any county, at any annual meeting of such board, to direct by resolution that thereafter only one county superintendent of the poor shall be elected in and for such county, who shall hold his office for three years; but in all counties where no such resolution shall have been passed, three county superintendents of the poor shall be elected. A majority of the persons so elected shall be, at all times, competent to transact business, and to execute any powers vested in the board of superintendents. They shall be allowed such sum for their actual attendance and services as the board of supervisors of their county shall deem reasonable.<sup>1</sup> [*As modified by sec. 1, of chap. 498, of 1847.*]<sup>2</sup>

When to be  
elected.

§ 16. Said superintendent or superintendents, and the county treasurer, shall be elected at the general election in November, eighteen hundred and forty-eight, in the same manner that other county officers are now chosen.<sup>1</sup> [*Sec. 2, of the same chapter.*]

Tenure of  
office and  
classifica-  
tion.

§ 17. In counties where only one superintendent of the poor shall be chosen, he shall hold his office for three years; but in counties where three are chosen, one of the said superintendents, so elected, shall hold his office for one year, one for two years, and one for three years. And the clerk of the county shall, on the first day of January, after such election, determine by lot which of said superintendents shall hold his office for one year, which for two, and which for three years. And annually, thereafter, there shall be elected one superintendent, who shall hold his office for three years.<sup>1</sup> [*Sec. 3, of same chapter.*]

Vacancies,  
how filled.

§ 18. Boards of supervisors shall appoint county superintendents of the poor, or county treasurers, to fill vacancies which may happen in such offices. [*Sec. 4, of same chapter.*]

Vacancies  
temporarily  
filled.

§ 19. In case any vacancy shall happen or exist in the office of superintendent of the poor in any county of this state, by death, refusal to serve, or otherwise, it shall be lawful for the first judge of the county in which such vacancy shall be, to appoint some proper person to fill

(1) Not applicable to the city of New-York by sec. 5.

(2) By chap. 395, of 1849, the board of supervisors of Kings county are required to give a salary to the superintendents.

the said vacancy, who shall hold and exercise the duties of the said office until the next annual meeting of the board of supervisors of such county, which appointment shall be in writing, signed by the said judge, and filed in the office of the clerk of the said county. [*Chap. 299, of 1835.*]

§ 20. The first and third sections of the act to authorize the election of county superintendents of the poor by the people, passed December 16th, 1847, so far as relates to the number of the superintendents of the poor and their term of office, is hereby amended so as to allow the election of five superintendents of the poor in the county of Kings. One of the said superintendents shall hold his office for one year, two for two years, and two for three years. And the clerk of the county shall, on the first day of January, after such election, determine by lot which of said superintendents shall hold his office for one year, which for two, and which for three years. And there shall be elected, hereafter, at each annual election, superintendents to supply the place of those whose terms of office will expire on the first day of January thereafter, provided that there shall be but one superintendent elected in those years in which the election is held to supply the place of the one superintendent whose term will expire on the first day of January thereafter. [*Chap. 314, of 1848.*]

Five to be  
elected in  
Kings co.

§ 21. The office of county superintendent of the poor of the county of Albany is hereby abolished, and the provisions of the act passed December 16, 1847, requiring the election of such officers, so far as the same apply to the county of Albany, are hereby repealed. [*Chap. 207, of 1849.*]

Office of su-  
perintenden-  
ent abolish-  
ed in Albe-  
ny co.

§ 22. Every person hereafter elected to the office of superintendent of the poor, shall, within ten days after his election, give a bond to the supervisors, with two or more sufficient sureties, to be approved by the board of supervisors, and in such sum as they shall direct, conditioned that such person shall faithfully execute the duties of his office, and shall pay according to law all moneys which shall come to his hands as superintendent of the poor; and render a just and true account thereof to the board of supervisors. [*Sec. 1, of chap. 327, of 1848.*]

Bond, when  
to be filed.

Condition.

Where filed,  
and by  
whom ap-  
proved.

When to  
enter on  
their duties.

When to  
take oath of  
office and  
file bond.

Supervisors  
to fix penal-  
ty. County  
clerk to ap-  
prove bond.

Supervisor  
and county  
treasurer  
ineligible as  
superintend-  
ent, &c.

To be a cor-  
poration.  
Powers and  
duties.

§ Paige, 409.

To provide  
places, &c.

§ 23. Such bond, with the approbation of the board of supervisors endorsed thereon by their clerk, shall be filed in the office of the county clerk. [Sec. 2, of same chapter.]<sup>1</sup>

§ 24. Superintendents of the poor hereafter to be elected at any annual election, shall enter on the duties of their office on the first day of January next after such election. [Chap. 116, of 1849.]

§ 25. Superintendents of the poor hereafter to be elected, may have until the first day of January next after the election to take the oath of office and file their official bond. [Sec. 4, of chapter 12, of 1850.]

§ 26. It shall be the duty of the board of supervisors of the several counties to fix the penalty of the bonds of superintendents of the poor at their next annual session; and the sureties may be approved by the county clerk, in the recess of the board of supervisors. [Sec. 5, of same chapter.]

§ 27. No supervisor of any town, or county treasurer, shall be elected or appointed to hold the office of superintendent of the poor, nor shall any superintendent of the poor be appointed to the office of keeper of the poor house in any county of this state. [Chapter 352, of 1829, as amended by chap. 50, of 1853.]

§ 28. [Sec. 16.] They shall be a corporation by the name of the superintendents of the poor of the county for which they shall be appointed, and shall possess the usual powers of a corporation for public purposes; they shall meet as often as the supervisors of the county shall direct, at the county poor-house, if there be one, or at the place of holding courts in their county, or at one of the places of holding courts, if there be more than one, and at such other times and places as they shall think expedient; they shall have a general superintendence and care of the county poor who may be in their respective counties; and shall have power, and it shall be their duty:

1. To provide suitable places for the keeping of such poor, when so directed by the supervisors of any county where houses for that purpose have not been erected by the county; and for that purpose, to rent a tenement or tenements, and land not exceeding fifty acres, and to cause the poor of the county to be maintained in such places.

(1) Not applicable to the city of New-York by sec. 3.

## STATE OF NEW-YORK.

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2. To establish and ordain prudential rules, regulations and by-laws, for the government and good order of such places so provided, and of the county poor-houses, and for the employment, relief, management and government of the persons therein placed ; but such rules and regulations shall not be valid until sanctioned by a majority of the judges of the county courts of such county, in writing.

To make rules, &c.

3. To employ suitable persons to be keepers of such houses or places, and all necessary officers and servants, and to vest such powers in them for the government of such houses as shall be necessary, reserving to the paupers who may be placed under the care of such keepers the right of appeal to the superintendents.

To employ keepers, &c.

4. In the counties where a poor-house is erected or other place provided for the poor, to purchase the furniture, implements, and materials that shall be necessary from time to time for the maintenance of the poor therein, and their employment in labor or manufactures, and to sell and dispose of the proceeds of such labor as they shall deem expedient.

To purchase materials, &c.

5. To prescribe the rate of allowance to be made to any persons for bringing paupers to the county poor-house or place provided for the poor, subject to such alterations as the board of supervisors may, by a general resolution, make.

Allowance for bringing paupers, &c.

6. To authorize the keepers of such houses or places so provided, to certify the amount due to any person for bringing such paupers ; which amount shall be paid by the county treasurer, on the production of such certificate, countersigned and allowed by any two superintendents.

Payment of such allowance.

7. To decide any dispute that shall arise concerning the settlement of any poor person, summarily upon a hearing of the parties ; and for that purpose, to issue subpoenas to compel the attendance of witnesses, and to administer oaths to them in the same manner, with the like power to enforce such process as is given to justices of the peace in any matter cognizable by them ; their decisions shall be filed in the office of the county clerk within thirty days after they are made, and shall be conclusive and final upon all parties interested.

To decide disputes respecting settlements.



To direct  
and com-  
mence suits.

8. To direct the commencement of suits by any overseers of the poor who shall be entitled to prosecute for any penalties, or upon any recognizances, bonds, or securities taken for the indemnity of any town or of the county; and in case of the neglect of any such overseer, to commence and conduct such suits, without the authority of such overseers, in their names.

To draw on  
county treas-  
urer.

9. To draw from time to time on the county treasurer for all necessary expenses incurred in the discharge of their duties, which drafts shall be paid by him out of the moneys placed in his hands for the support of the poor.

To account.

10. To render to the board of supervisors of their county, at their annual meeting, an account of all moneys received and expended by them, or under their direction, and of all their proceedings.

To pay over  
moneys.

11. To pay over all moneys remaining in their hands, within fifteen days after the expiration of their office, to the county treasurer, or to their successors.

Physician  
and keeper  
of poor-  
house to be  
appointed.

§ 29. In each county where there is more than one superintendent of the poor, and where there is a poor-house, the superintendents shall appoint a keeper and physician for the poor-house. [*Chap. 532, of 1851.*]

Children to  
be taught.

§ 30. The superintendents of the county poor-houses which now are or hereafter may be established by law, are hereby required to cause all county and town paupers, over the age of five and under the age of sixteen years, who now are or hereafter may be in said poor-houses, to be taught and educated, in the same manner as children are now taught in the common schools of this state, at least one-fourth part of the time the said paupers shall remain in said poor-houses. [*Sec. 4, of chap. 277, 1831.*]

Expense.

§ 31. The expense of teaching and educating the said paupers shall be paid by the counties and towns, in the same manner as other contingent charges are paid for the support of said paupers. [*Sec. 5, of same chap.*]

County  
poor-houses.

§ 32. [Sec. 17.] The board of supervisors of any county in this state, in which a county poor-house is not already erected, may, at any annual or special meeting thereof, determine to erect such house for the reception of the poor of their county; and upon filing such determination with the clerk of the county, they may direct the superintendents of the poor of such county to purchase one or more tracts of land, not exceeding two hundred acres, and

to erect thereon one or more suitable buildings for the purpose aforesaid. To defray the expenses of such purchase and buildings, the said board may raise by tax on the real and personal estate of the inhabitants of the same county, a sum not exceeding seven thousand dollars, by such installments and at such times as they may judge expedient. The said tax shall be raised, assessed and collected in the same manner as the other county charges, and shall be paid by the county treasurer to the superintendents of the poor of the county, to be applied in defraying the expenses aforesaid.

Expenses limited.

§ 33. [Sec. 18.] The superintendents of county poor-houses, that have been erected, or shall be erected pursuant to any law, shall be superintendents of the poor of their counties respectively, and shall possess all the powers and be subject to all the regulations hereinbefore specified in relation to such superintendents.

Superintendents of county poor-houses.

§ 34. [Sec. 19.] All moneys which shall be received by the commissioners of excise in any town or city of any county in which the supervisors shall have determined to abolish the distinction between town poor and county poor, shall be by them paid over to the county treasurer, within thirty days after the receipt thereof; and they shall at the same time deliver a certified copy of the resolutions of the board of excise, by which the sum to be paid for licences by grocers, tavern-keepers or others, shall be fixed. Any commissioner of excise neglecting the said duty, or any part thereof, shall forfeit fifty dollars, to be recovered by and in the name of the superintendents of the poor of the county; and shall also be liable to an action by and in the name of the county treasurer, for all moneys received by them, with the interest thereon from the time the same should have been paid over.

Excise money, when to be paid to county treasurer.

Penalty.

§ 35. [Sec. 20.] All moneys which shall be collected by overseers of the poor of any town in a county where the poor are all a county charge, from the relatives of any poor person bound to contribute to his support; or from the sale of any personal property, or the rents and profits of the real property, of any person who shall abscond, leaving a wife or children; or received for any fines, penalties or forfeitures, which by law are directed to be applied to the support of the poor; or collected on

Also all other moneys received by overseers.

any bond or other security that shall be given for the benefit or indemnity of any town, or of the overseers or inhabitants of such town; and all other moneys which shall be received by such overseers in their official capacity, shall be by them paid over within thirty days after the receipt of the same, to the county treasurer, for the benefit of the poor; and if not so paid, the same may be recovered in an action to be brought by and in the name of the county treasurer, with interest at the rate of ten dollars on the hundred, for a year, from the time the same should have been paid.

Penalty.

Notice of determination of supervisors, &c.

§ 36. [Sec. 21.] In those counties where the supervisors shall determine to abolish the distinction between town poor and county poor, and to have all the poor a county charge, it shall be the duty of the clerk of the board of supervisors immediately to serve notice of such determination on the overseers of the poor of every town in the county. Within three months after the service of such notice, the overseers of the poor of every town shall pay over all moneys which shall remain in their hands, after discharging all demands against them as such overseers, to the county treasurer, to be applied by him towards the future taxes of such town. In case of neglect to pay over such moneys, the county treasurer may maintain an action therefor, in which he shall recover interest on the moneys withheld, from the time they should have been paid over.

Excise money, &c., in other counties.

§ 37. [Sec. 22.] In those counties in which the distinction between county poor and town poor prevails, the excise money collected in any town, and all penalties given by law to the overseers of the poor, when received, shall be applied to the use of the poor of the town in which such money and penalties shall be collected.

Port to be a county charge in certain counties.

§ 38. [Sec. 23.] In the counties of Warren, Washington, Saratoga and Genesee, poor persons entitled to support as aforesaid shall be maintained at the expense of the said counties respectively; and all costs and charges attending the examinations, conveyance, support, and necessary expenses of paupers within the said counties respectively, shall be a charge upon the said counties, without reference to the number or expense of paupers which may be sent to the poor-house of said

counties, from or by any of the towns therein. The said charges and expenses shall be reported by the superintendents of the poor of the said counties to the boards of supervisors therein respectively, and shall be assessed, levied and collected of and upon the taxable real and personal estate in the said counties, in the same manner as other county charges.<sup>1</sup>

§ 39. [Sec. 24.] The board of supervisors of any county in this state, at any annual meeting, or at any special meeting called for that purpose, may determine to abolish all distinction between county poor and town poor in their counties respectively, and to have the expense of maintaining all the poor a county charge; and upon their filing such determination, duly certified by the clerk of the board, with the county clerk, the said poor shall be maintained, and the expense thereof defrayed in the manner prescribed in the preceding section relative to the counties of Warren, Washington, Saratoga and Genesee.

When to become so in other counties.  
2 Denio, 177.

§ 40. [Sec. 25.] When the supervisors of any county shall have determined to abolish the distinction between county poor and town poor, the clerk of the board shall serve a copy of the resolution, making such determination, upon the clerk of each town, village or city within such county.

Notice to be given.

§ 41. [Sec. 26.] After such resolution shall be served, it shall be the duty of the commissioners of excise in the several towns of such county, and of the officers of every city and village therein, to pay over to the treasurer of the county all moneys which shall thereafter be received for licences to tavern keepers, retailers or grocers, and all moneys which shall be recovered as penalties for violating the excise laws, or any other laws, and which are directed to be paid to the overseers of the poor.

Excise money, &c., to be paid to county treasurer.

§ 42. [Sec. 27.] If any person having in his hands any moneys directed to be paid to the county treasurer by the preceding section, shall neglect or refuse to pay the same within thirty days after demand thereof, the county treasurer may maintain an action in his name of office

Payment, how compelled.

(1) By chap. 194, of 1849, § 4, subd. 10, boards of supervisors are authorized "to abolish or revive the distinction between the town and county poor" of their counties.

for the recovery thereof, together with interest from the time of such demand.

Poor of other  
counties,  
how support-  
ed.

§ 43. [Sec. 28.] In all the other counties of this state, except the counties of Warren, Washington, Saratoga and Genesee, and those counties of which the board of supervisors shall file the determination aforesaid, the poor having a settlement in any town in such county, shall be supported at the expense of such town, and the poor not having such settlement shall be supported by the county in which they may be.

Settlements,  
how gained

§ 44. [Sec. 29.] Every person of full age, who, after this chapter shall commence and take effect, shall be a resident and inhabitant of any town for one year, and the members of his family who shall not have gained a separate settlement, shall be deemed settled in such town.

Minors.

1. If a female, by being married and living for one year with her husband, in which case the husband's settlement shall determine that of the wife.

2. If a male, by being married and residing for one year separately from the family of his father.

3. By being bound as an apprentice, and serving one year by virtue of such indentures.

Married wo-  
men.

4. By being hired and actually serving for one year for wages to be paid to such minor. A woman of full age, by marrying, shall acquire the settlement of her husband, if he have any. And until a poor person shall have gained a settlement in his own right, his settlement shall be deemed that of his father or mother; but no child born in any place used and occupied as a residence for the poor of any town, city or county, shall gain any settlement merely by reason of the place of such birth; nor shall any child born while the mother is a county pauper, gain any settlement by reason of the place of its birth.

Qualification  
of last sec-  
tion.

§ 45. [Sec. 30.] But no residence of any person as a pauper, in the county poor-house, or place provided for the support of the poor, or in any town while supported at the expense of any other town or county, shall operate to give such pauper a settlement in the town where such actual residence may be had.

Paupers not  
to be remov-  
ed, how sup-  
ported.  
§ Paige, 410.

§ 46. [Sec. 31.] No person shall be removed as a pauper from any city or town to any other city or town of the same or any other county, nor from any county to any other county; but every poor person shall be sup-

ported in the town or county where he may be, as follows :

1. If he hath gained a settlement in any town in such county, he shall be maintained by such town.

2. If he hath not gained a settlement in the county in which he shall become poor, sick or infirm, he shall be supported and relieved by the superintendents of the poor, at the expense of the county.

3. If such person be in a county where the distinction between town and county poor is abolished, he shall, in like manner, be supported at the expense of the county, and in both the cases aforesaid, proceedings for his relief shall be had as hereinafter directed.

4. If such pauper be in a county where the respective towns are liable to support their poor, and hath gained a settlement in some other town of the same county than that in which he may then be, he shall be supported at the expense of the town where he may be, and the overseers shall give notice in writing to the overseers of the town to which such pauper shall belong, or to one of them, requiring them to provide for the relief and support of such pauper.

§ 47. [Sec. 32.] If within ten days after the service of such notice, the overseers to whom the same was directed shall not proceed to contest the allegation of the settlement of such pauper, by giving the notice hereinafter directed, they, their successors, and the town which they represent, shall be forever precluded from contesting or denying such settlement. They may, within the time aforesaid, give notice in writing to the overseers of the town where such pauper may be, that they will appear before the county superintendents, at a place and on a day therein to be specified, which day shall be at least ten days and not more than thirty days from the time of the service of such notice, to contest the said alleged settlement.

Proceedings  
to determine  
settlement of  
pauper.

§ 48. [Sec. 33.] The county superintendents shall <sup>1b.</sup> convene whenever required by any overseers, pursuant to such notice, and shall proceed to hear and determine the controversy, and may award costs not exceeding ten dollars to the prevailing party, which may be recovered in any action before a court of competent jurisdiction. The

decision of the superintendents shall be final and conclusive.

Towns, how  
compelled to  
support pau-  
pers.

§ 49. [Sec. 34.] The overseers of the poor of the town in which it may be alleged any pauper has gained a settlement, may at any time after receiving such notice requiring them to provide for such pauper, take and receive such pauper to their town and there support him. If they omit to do so, or shall fail to obtain the decision of the county superintendents, so as to exonerate them from the maintenance of such pauper, the charge of giving such notice, and the expenses of maintaining such pauper, after being allowed by the county superintendents, shall be laid before the board of supervisors at their annual meetings, from year to year, as long as such expenses shall be incurred; and the supervisors shall, annually, add the amount of the said charges to the tax to be laid upon the town to which the pauper belongs, together with such sum in addition thereto as will pay the town incurring such expenses the lawful interest thereon, from the time of expenditure to the time of repayment, which sums shall be assessed, levied and collected in the same manner as the other contingent charges of such town. The said moneys, when collected, shall be paid to the county treasurer and be by him credited to the account of the town which incurred the said expenses.

Proceedings  
to determine  
who are  
county pau-  
pers.

§ 50. [Sec. 35.] The support of any pauper shall not be charged to the county without the sanction of the superintendents. If a pauper be sent to the county poor-house, or place provided for the poor, as a county pauper, the superintendents in those counties where the respective towns are required to support their own poor shall immediately inquire into the fact, and if they are of opinion that such pauper has a legal settlement in any town of the said county, they shall, within thirty days after such pauper shall have been received, give notice to the overseers of the poor of the town to which such pauper belongs, that the expenses of his support will be charged to such town unless the said overseers, within such time as the said superintendents shall appoint, not less than twenty days thereafter, show that such town ought not to be so charged. And on the application of the said overseers, the superintendents shall re-examine the mat-

ter and take testimony in relation thereto, and shall finally decide the question, which decision shall be conclusive.

§ 51. [Sec. 36.] In those counties where no county poor-house or other place is provided, no person shall be supported as a county pauper without the direction of at least one superintendent. In such cases the overseers of the poor of the town where such person may be, shall immediately give notice to one of the superintendents, who shall inquire into the circumstances; and if he is satisfied that such pauper hath not gained a legal settlement in any town of the said county, he shall give a certificate to that effect, and that such pauper is chargeable to the county. He shall report every such case to the board of superintendents at their next meeting, who may affirm such certificate, or may annul the same, on giving due notice to the overseers of the poor of the town interested, and after hearing the allegations and proofs in the premises.

Ib. in counties where there are no poor-houses.

§ 52. [Sec. 37.] If the superintendent to whom the overseers may have given such notice, shall neglect or refuse to give the certificate aforesaid, the overseers may apply to the board of county superintendents, who shall summarily hear and determine the matter, and whose decision shall be conclusive.

Ib.

§ 53. [Sec. 38.] The decisions of the board of county superintendents, in relation to the settlement of any paupers, or to their being a charge upon the county, shall be entered in books to be provided for that purpose, and certified by the signatures of such of the said superintendents as make such decisions; and a duplicate thereof, certified in the same manner, shall be filed in the county clerk's office within thirty days after the making of any such decision. Such original duplicate, or a copy thereof duly certified, shall be conclusive evidence of the facts therein contained.

Decisions of superintendents, their effect, &c.

§ 54. [Sec. 39.] When any person shall apply for relief to any overseer of the poor, in any county where a poor-house is established, or other place provided for the reception of the poor, such overseers, or any one of them, shall inquire into the state and circumstances of the applicant. If it shall appear that the applicant is in such indigent circumstances as to require permanent relief and support, and can be safely removed, the overseers, or

Relief to paupers in counties having poor-houses.



any one of them, shall by a written order cause the poor person to be removed to the county poor-house, or to the place provided as aforesaid, to be relieved and provided for as the necessities of such applicant may require. If the said county be one of those where the respective towns are required to support their own poor, the overseer shall designate in such order of removal whether the pauper be chargeable to the county or not; and if no such designation be made, such pauper shall be deemed to belong to the town whose overseers or overseer made such order. [*As amended by chap. 236, of 1834.*]

Expense of  
removal and  
temporary  
support.

§ 55. [Sec. 40.] The expense of such removal shall be paid on the certificate of the keeper of the poor-house, or other place, countersigned as aforesaid, at the rate that shall have been prescribed by the superintendents; and the overseers shall be allowed such sum as may have been necessarily paid out or contracted to be paid for the relief or support of such pauper, previous to the said removal, as the superintendent shall judge was reasonably expended while it was improper to remove such pauper, which sum shall be paid by the county treasurer, on the order of the superintendents, and shall be charged to the county, if such pauper be a county charge, or to the town sending him, if he be not a county charge.

How  
supported,  
and when to  
be dis-  
charged.

§ 56. [Sec. 41.] The person so removed shall be received by the superintendents, or their agents, and be supported and relieved in the county poor-house, or such other place as shall have been provided, under the direction of the said superintendents, until it shall appear to them that such person is able to work and maintain himself, when the superintendents may in their discretion discharge him.

Relief to  
paupers who  
cannot be  
removed to  
poor-house.

§ 57. [Sec. 42.] If it shall appear that the person so applying requires only temporary relief, or is sick, lame or otherwise disabled, so that he or she cannot be conveniently removed to the county poor-house, or to such place as shall have been provided by the county superintendents, the overseers [or any one of them] shall apply to a justice of the peace of the same town, who shall examine into the facts and circumstances, and shall in writing order such sum to be expended for the temporary relief of such poor person as the circumstances of the

§ Cowen,  
644, 276.

case shall require ; which order shall entitle the overseer to receive any sum he may have paid out or contracted to pay, within the amount therein specified from the county treasurer, to be by him charged to the county, if such person be a county charge ; if not, to be charged to the town where such relief was afforded ; but no greater sum than ten dollars shall be expended or paid for the relief of any one poor person, or one family, without the sanction in writing of one of the superintendents of the poor of the county, which shall be presented to the county treasurer, with the order of the justice. (And such overseers shall have the discretionary right to expend a sum not exceeding ten dollars for the relief of one poor person or family, under section forty-two, title first, chapter twenty, first part of the Revised Statutes, without any order from a justice of the peace therefor. But nothing in this section shall apply to the counties of Montgomery or Kings.) [*As amended by chap. 236, of 1834, and by sec. 1, of chap. 180, of 1845.*]

§ 58. [Sec. 43.] If application for relief be made in any of those counties where no county poor-house or other place shall have been provided, as aforesaid, for the reception of the poor, the overseers of the poor shall, with the assistance of some justice of the peace of the same town, inquire into the facts and circumstances of the case, and shall make an order in writing for such allowance, weekly or otherwise, as the said justice and one of the said overseers shall think required by the necessities of such poor person.

Relief to paupers in counties not having poor-houses.

§ 59. [Sec. 44.] If such pauper have a legal settlement in the town where such application is made, or in any other town of the same county, the overseers shall apply the moneys so allowed to the relief and support of such pauper ; the moneys paid by them, or contracted to be paid pursuant to such order, shall be drawn by them from the county treasurer, on producing the said order, out of the funds in his hands belonging to such town.

§ 60. [Sec. 45.] If such pauper has no legal settlement in the same county, the overseers shall immediately give the notice hereinbefore directed to one of the county superintendents ; and until the county superintendents shall take the charge of the support of such pauper, the overseers shall provide for his relief and support, as

Notice to be given in certain cases.

aforsaid, and the expense thereof, from the time of giving such notice to a county superintendent, shall be paid to the said overseers by the county treasurer, on the production of such order and of proof by affidavit of the time of the giving such notice, and shall be by him charged to the county.

County paupers in counties having no poor-houses.

§ 61. [Sec. 46.] Whenever the county superintendents take charge of the support of any county pauper, in those counties where no poor-house is provided, they may authorize the overseers of the poor of the town in which such pauper may be to continue to support him, on such terms and under such regulations as they shall prescribe; and thereafter no moneys shall be paid to the said overseers for the support of such pauper, without the order of the superintendents; or the said superintendents may remove such pauper to any other town, and there provide for his support, in such manner as they shall deem expedient.

Accounts with towns bound to support their poor by county treasurer.

§ 62. [Sec. 47.] In those counties where the respective towns are required to support their own poor, the county treasurers thereof shall respectively open and keep an account with each town, in which the town shall be credited with all moneys received from the same, or from its officers, and shall be charged with the moneys paid for the support of the poor chargeable to such town. And if there be a county poor-house or other place provided in such county for the reception of the poor, the superintendents of the poor of the county shall, in each year, before the annual meeting of the board of supervisors of such county, furnish to the county treasurer a statement of the sums charged by them, as hereinafter directed, to the several towns for the support of their poor, which shall be charged to such towns respectively, by the county treasurer, in his accounts.

Ib. by superintendents.

§ 63. [Sec. 48.] In those counties in which a poor-house shall be established, or a place provided, by the superintendents, for the reception of the poor, and in which the several towns shall be liable for the support of their poor respectively, it shall be the duty of the superintendents, annually, and during the week preceding the annual meeting of the board of supervisors, to make out a statement of all the expenses incurred by

them the preceding year, and of the moneys received, and exhibiting the deficiency, if any, in the funds provided for the defraying such expenses; and they shall apportion the said deficiency among the said several towns in proportion to the number and expenses of the paupers belonging to the said towns, respectively, who shall have been provided for by the said superintendents, and shall charge the said towns with the said proportions; which statement shall be by them delivered to the county treasurer, as before directed.

§ 64. [Sec. 49.] At the annual meeting of the board of supervisors the county treasurer shall lay before them the account so kept by him; and if it shall appear that there is a balance against any town, the said board shall add the same to the amount of taxes to be levied and collected upon such town, with the other contingent expenses thereof, together with such a sum for interest, at the rate of seven dollars on the hundred, as will reimburse and satisfy any advances that may be made, or that may have been made, from the county treasury, for such town; which moneys, when collected, shall be paid to the county treasurer.

To be laid  
before super-  
visors.

Balances,  
how collect-  
ed.

§ 65. [Sec. 50.] The superintendents of the poor in each county shall annually present to the board of supervisors, at their annual meeting, an estimate of the sum which, in their opinion, will be necessary, during the ensuing year, for the support of the county poor; and the said supervisors shall cause such sum as they may deem necessary for that purpose to be assessed, levied and collected in the same manner as the other contingent expenses of the county, to be paid to the county treasurer, and to be by him kept as a separate fund, distinct from the other funds of the county.

Expense of  
supporting  
county poor,  
how defray-  
ed.

§ 66. [Sec. 51.] In those counties where there are no county poor-houses established, the overseers of the poor of the respective towns shall enter, in books to be provided at the expense of their towns, an account of all matters transacted by them relating to their official duties; of all moneys received by them, specifying from whom, and on what account; of all moneys laid out and disbursed by them, to whom, and by what authority, and specifying, in each case, whether to county poor or to town poor; the names of all persons applying for

Accounts of  
overseers of  
poor in cer-  
tain coun-  
ties.

relief, and ordered to be relieved as aforesaid; the day and year when they were admitted to have relief; the weekly or other sums of money allowed for that purpose, and the cause of giving such relief.

How audited and settled.

§ 67. [Sec. 52.] On the Tuesday next preceding the annual town meeting of every town, the overseers of the poor shall lay the said original books before the board of town auditors, together with a just and true account of all moneys by them received and expended for the use of the poor, and in what manner, together with an account of the earnings of the poor persons by them employed; which account shall be verified by the oaths of the overseers, and shall be filed with the town clerk. The board of town auditors shall compare the said account with the entries in the poor books aforesaid, shall examine the vouchers in support thereof, and shall audit and settle the same, and state the balance due from such overseers, or to them, as the case may be. No credit shall be allowed to any overseer for moneys paid unless it shall appear that such payment was made pursuant to a legal order.

Penalty.

§ 68. [Sec. 53.] Every person who, having been an overseer of the poor, shall refuse or neglect to present such original books, or to exhibit such accounts to the board of town auditors, as required in the last section shall forfeit the sum of two hundred and fifty dollars, to be recovered by and in the name of the overseers of the poor of such town.

Accounts & estimates to be read at town meeting.

§ 69. [Sec. 54.] In those counties where the respective towns are made liable for the support of their poor, it shall be the duty of the town clerk to exhibit, at the annual town meetings, the accounts for the support of the poor therein the preceding year, as the same shall have been allowed and passed by the board of town auditors, which accounts shall be openly and distinctly read by the clerk of the meeting; and the overseers of the poor shall also present an estimate of the sum which they shall deem necessary to supply any deficiency of the preceding year, and to provide for the support of the poor for the ensuing year.

Expense of supporting town poor, how defrayed.

§ 70. [Sec. 55.] The inhabitants of such town shall thereupon, by a vote of the majority of the persons qualified to choose town officers, determine upon the sum of

money which shall be assessed upon the said town the ensuing year for the purpose aforesaid. The sum so voted, when raised and collected, in those counties where a county poor-house or other place shall have been provided for the reception of the poor, shall be paid to the county treasurer and by him placed to the credit of the town; in all other counties, the sum so voted by any town shall be paid to the overseers of the poor thereof.

§ 71. [Sec. 56.] The overseers of the poor in the cities of Albany, Hudson, Troy, Oswego and Schenectady, shall lay their books before and render their accounts to the common councils of the said cities respectively, from time to time, as shall be required. The common councils of such of the said cities as shall be liable for the support of their own poor, shall, yearly, determine the sum of money to be raised in such cities, respectively, for the support of the poor for the ensuing year; a certified copy of which shall be laid before the board of supervisors of the county, who shall cause the same to be assessed, levied, collected and paid to the county treasurer. [*As amended by chap. 70, of 1853.*]

*Ib. in certain cities.*

§ 72. [Sec. 57.] The accounts of overseers of the poor, and of justices of the peace, for any personal or official services rendered by them, in relation to the poor, shall be audited and settled by the board of supervisors, and the sums thus audited and allowed shall be paid by the county treasurer; and if such services were rendered in behalf of any town liable to support its own poor, the same shall be charged to such town. No allowance for time or services shall be made to any officer for attending any board with any accounts for the purpose of having the same audited or paid.

*Compensation to overseers and justices.*

§ 73. The superintendents of the poor in the several counties in this state shall audit and settle all accounts of overseers of the poor, justices of the peace, and all other persons, for services relating to the support, relief, or transportation of county paupers; and shall, from time to time, draw on the county treasurer for the amount of the accounts which they shall so audit and settle. [*Sec. 1, of chap. 26, of 1832.*]

*Accounts for county paupers, how settled.  
4 Hill, 558.  
5 Denio, 564.*

§ 74. [Sec. 58.] Any person who shall send, carry, transport, remove or bring, or who shall cause to be sent, carried, transported, brought or removed, any poor or

*Penalty for removing, &c., paupers.  
21 Wend., 841.*

indigent person, from any city, town or county, to any other city, town or county, without legal authority, and there leave such poor person, with intent to make such city, town or county, to which the removal shall be made, chargeable with the support of such pauper, or who shall entice any such poor person so to remove, with such intent, shall forfeit fifty dollars, to be recovered by and in the name of the overseers of the poor of the town to which such pauper shall be brought or removed, or in the name of the superintendents of the poor of the county into which the said poor person shall be removed; and shall, moreover, be deemed guilty of a misdemeanor, and, on conviction, shall be imprisoned not exceeding six months, or fined not exceeding one hundred dollars, or both, in the discretion of the court.

Proceedings  
to compel  
support of a  
pauper re-  
moved.

§ 75. [Sec. 59.] The pauper so removed, brought or enticed shall be maintained by the county superintendents of the county where he may be. They may give notice to either of the overseers of the poor of the town from which he was brought or enticed, if such town be liable for his support; and if there be no town in the county from which he was brought or enticed, liable for his support, then to either of the county superintendents of the poor of such county, informing them of such improper removal, and requiring them forthwith to take charge of such pauper.

1b.

Liability,  
how contest-  
ed.

§ 76. [Sec. 60.] The county superintendents, or the overseers to whom such notice may be directed, shall, within thirty days after the service thereof, take and remove the pauper, so brought or enticed, to their county or town, and there support him, and pay the expense of such notice, and of the support of such pauper; or they shall, within the said time, by a written instrument under their hands, notify the county superintendents from whom such notice was received, or either of them, that they deny the allegation of such improper enticing or removal, or that their town is liable for the support of such pauper.

Neglect to  
contest.

§ 77. [Sec. 61.] If there shall be a neglect to take and remove such pauper, and also to notify such denial, within the time above prescribed, the said county superintendents and overseers respectively, whose duty it was so to do, their successors, and their respective counties or

towns, shall be deemed to have acquiesced in the allegations contained in such first notice, and shall be forever precluded from contesting the same; and their counties and towns respectively, shall be liable for the expenses of the support of such pauper, which may be sued for and recovered, from time to time, by the county superintendents incurring the said expenses, in actions against the superintendents of the poor of the county, or the overseers of the poor of the town, as the case may be, so liable for such expenses.

§ 78. [Sec. 62.] Upon the service of any such notice of denial, the county superintendents upon whom the same may be served, shall, within three months, commence a suit against the overseers of the poor of the town, or the county superintendents of the poor of the county, to whom the first notice was directed, or against their successors in office, for the expenses incurred in the support of such pauper, and shall prosecute the same to effect; if they neglect to do so, they, their successors, and their county, shall be forever precluded from all claim against the county or town to whose officers such first notice was directed, or any of their officers, for any expenses that may have been, or may be, incurred for the support of such pauper.

Suit, when to be brought.

§ 79. [Sec. 63.] Every county superintendent who shall neglect to render any account, or statement, to the board of supervisors, as herein required, or to pay over any moneys, within the time prescribed by law, shall forfeit two hundred and fifty dollars, to be sued for and recovered by and in the name of the county treasurer. The superintendents shall also be liable to an action, either jointly or severally, by the county treasurer, for all moneys which shall be in their hands after the time the same should have been paid over according to law, with interest thereon, at the rate of ten dollars upon the hundred for a year, from the time when the same should have been paid over.

Penalty on superintendents for neglect to render accounts, &c.

§ 80. Any person who shall bring or remove, or cause to be brought or removed, any poor or indigent person, from any place without this state, into any county or town within it, and there leave or attempt to leave such person, with intent to make such county or town charge-

Penalty for bringing paupers, &c., without the state.



able with the support of such pauper, he shall forfeit and pay fifty dollars, to be recovered before any justice of the peace of the county into which such pauper shall be brought, to be sued for and recovered by and in the name of the superintendents of the county poor of said county, or by the overseers of the poor of the town into which such pauper shall be brought; and, moreover, shall be obliged to convey such pauper out of the state, or support him at his own expense. And it shall be lawful for the justice before whom any person shall be convicted for a violation of this act, to require of such person satisfactory security that he will, within a reasonable time, to be named by the justice, transport such pauper out of the state, or indemnify the town or county for all charges and expenses which may be incurred in the support of such pauper; and if such person shall refuse to give such security when so required, it shall be the duty of the justice to commit him to the common jail of the county for a term not exceeding three months. [Sec. 1, of chap. 277, of 1831, substituted for sec. 64.]

How applied.

§ 81. All penalties recovered under this act, shall be applied as directed in the sixty-fifth [82d] section of the law hereby amended. [Sec. 2, of same chap.]

Payment over of penalties, and their application.

§ 82. [Sec. 65.] All penalties imposed by this title shall be for the benefit of the poor; when recovered, they shall be paid to the county treasurer, and by him credited to the town by whose officers they have been collected, if such town be liable for the support of its own poor, or to the county, when collected by the county superintendents; if not paid by the persons collecting the same, when demanded by the county treasurer, he may maintain an action therefor, in his name of office.

Overseers to sue for penalties.

§ 83. [Sec. 66.] Whenever it shall be made to appear to the satisfaction of any overseer of the poor, either upon complaint or otherwise, that a penalty has been incurred by the violation of any provisions contained in the statutes of this state, which such overseer is directed by law to collect, it shall be his duty immediately to commence a suit for such penalty, and to prosecute the same diligently to effect.

Allowance therefor, and its costs.

§ 84. [Sec. 67.] In auditing the accounts of the overseers of the poor, by the board of town auditors, allowance shall be made to them, for all costs to which they

may have been subjected, or which shall have been recovered against them, in any suit brought by them pursuant to law; and they shall also be allowed the same daily pay, for attending to any such suit, as is allowed them for the performance of their official duties.

§ 85. [Sec. 68.] Such allowances may be credited to them, in their accounts for moneys collected for penalties, and may be deducted from such moneys; and the balance of such penalties shall be paid to their successors in office, or to the county treasurer, as directed by law, in respect to such penalties.

Allowances  
therefor, and  
for costs.

§ 86. [Sec. 69.] If there be not sufficient moneys in their hands to satisfy such allowances, the same shall be paid as other town charges.

Ib.

§ 87. [Sec. 70.] Where, by the existing laws, any poor persons are maintained by any county, or by two or more towns, they shall continue to be so maintained.

Certain pau-  
pers.

§ 88. [Sec. 71.] Where, by virtue of any special act of the Legislature, any one or more towns have erected a town poor-house, the same shall be continued, and the poor of such towns, respectively, may be supported therein by the overseers of the poor of the town.

Town poor-  
houses.

§ 89. [Sec. 72.] Every poor-house, alms-house, or other place provided by any city, town or county, for the reception and support of the poor, and all real and personal property whatever, belonging to or connected with the same, shall be exempt from all assessment and taxation, levied either by the state, or by any county, city, town or village; and the keeper of every poor-house, alms-house, or other place provided as aforesaid, shall be exempt from all service in the militia, from serving on juries, and from all assessments for labor on the highways.

Poor-houses,  
&c., exempt  
from taxes.

Keepers ex-  
empt from  
juries, &c.

§ 90. [Sec. 73.] In those counties where county poor-houses may be established, the superintendents may provide for the support of paupers that may be idiots, or lunatics, out of such poor-house, in such manner as shall best promote the interests of the county and conduce to the comfort and recovery of such paupers.

Idiots and  
lunatics.

§ 91. [Sec. 74.] Whenever any town shall have any moneys raised for the support of the poor, invested in the name of the overseers of the poor of such town, the

Invested  
poor mo-  
neys.

said overseers shall continue to have the control thereof, and shall apply the interest arising therefrom to the support of the poor of their town, so long as such town shall be liable to support its own poor; and if the town shall be relieved from the liability to support its own poor by a vote of the supervisors of the county, the moneys so raised and invested shall be applied to the payment of such taxes upon the town as the inhabitants thereof shall, at an annual town meeting, determine.

Annual reports by county superintendents to secretary of state.

§ 92. [Sec. 75.] It shall be the duty of the superintendents of the poor of every county in this state, during the month of December, in each year, to report to the secretary of state, in such form as he shall direct, the number of paupers that have been relieved or supported in such county the preceding year, distinguishing the number of county paupers from the number of town paupers, if any; the whole expense of such support, specifying the amount paid for transportation of paupers, and any other items which do not compose any part of the actual expense of maintaining the paupers, and the allowance made to superintendents, overseers, justices, keepers and officers; the actual value of the labor of the paupers maintained, and the estimated amount saved in the expense of their support, in consequence of their labor.

Additional matter to be reported by superintendents.

§ 93. In addition to the reports which the superintendents of the poor in the several counties in this state are now required by law to make, it shall be their duty, in the month of December, in each year, to report to the secretary of state, in such form as he shall direct, the sex and native country of every pauper who shall have been relieved or supported by them during the year preceding the day on which such report shall be made, together with a statement of the causes, either direct or indirect, which have operated to render such person a pauper, so far as the same can be ascertained; together with such other items of information in respect to the character and condition of such paupers as the secretary of state shall direct. [Sec. 1, of chap. 214, of 1842, as amended by chap. 100, of 1849.]

Penalty for neglect.

§ 94. The same penalty for the neglect of any superintendent of the poor to comply with the provisions of this act, as are prescribed in section seventy-eight [98].

# STATE OF NEW-YORK.

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title one, part one, chapter twenty, of the Revised Statutes, shall be imposed on such superintendent for such neglect: [Sec. 2, of chap. 214, of 1842.]

§ 95. The secretary of state shall cause this act to be published, together with such forms and instructions for its execution as he shall deem necessary, and cause the same to be distributed to the superintendents of the poor of the several counties in this state, the expense of which shall be paid by the treasurer on the warrant of the comptroller; and the secretary of state shall, annually, report to the Legislature the results of the information obtained in pursuance of this act. [Sec. 3, of same chap.]

This act to be published with forms.

§ 96. [Sec. 76.] It shall be the duty of the supervisors of every town, in those counties where all the poor are not a county charge, to report to the clerk of the board of supervisors, within fifteen days after the accounts of the overseers of the poor have been settled by the board of town auditors, in each year, an abstract of all such accounts for the preceding year, which shall exhibit the number of paupers that have been relieved or supported in such town the preceding year, specifying the number of county paupers and of town paupers, the whole expense of such support, and specifying the allowance made to overseers, justices, constables, or other officers, and any other items which shall not comprise any part of the actual expense of maintaining the paupers.

Reports by supervisors of towns supporting their own poor.

§ 97. [Sec. 77.] The said abstracts shall be delivered by the clerk of the board of supervisors to the county superintendents, to be included by them in their report aforesaid.

Duty of clerk of supervisors.

§ 98. [Sec. 78.] Any superintendent, supervisor, or clerk, who shall neglect or refuse to make such reports, abstracts, or copies aforesaid, or who shall wilfully make any false report, abstract, or copy, shall forfeit one hundred dollars, to be recovered by the district attorney of the county, in the name of the people of this state, and to be paid into the county treasury for the benefit of the poor thereof. The secretary of state shall give notice to the district attorney of the county of every such neglect or misconduct; and it shall be the duty of the district attorney, on receiving such notice, or in any way receiving satisfactory information of such neglect or misconduct, to prosecute for the recovery of such penalties.

Penalty for neglect, and for false reports.

Reports by  
secretary of  
state.

§ 99. [Sec. 79.] The secretary of state shall annually lay before the Legislature, during the first month of its session, an abstract of the said returns and reports.

Poor mo-  
neys, when  
to be receiv-  
ed by over-  
seers.

§ 100. [Sec. 80.] In those counties where there is no county poor-house or other place provided for the reception of the poor, the moneys raised and collected in the several towns, for the support of the poor, shall be received and disbursed by the overseers of the poor in such towns respectively.

Excise mo-  
neys, when  
to be receiv-  
ed by them.

§ 101. [Sec. 81.] It shall be the duty of the commissioners of excise of the several towns in those counties where there is no county poor-house or other place provided for the reception of the poor, to pay over to the overseers of the poor in their respective towns all moneys received by them by virtue of their offices.

Id.

§ 102. [Sec. 82.] In those counties where no county poor-house or other place shall have been provided for the reception of the poor, and where the distinction of town and county poor is not abolished, it shall be the duty of the commissioners of excise in the several towns to pay all moneys received by them, by virtue of their offices, to the overseers of the poor in their respective towns.

Powers of  
supervisors  
of Genesee  
to revive dis-  
tinction be-  
tween town  
and county  
poor.

§ 103. The board of supervisors of the county of Genesee, at any annual meeting, or at any special meeting called for that purpose, may, by a vote of two-thirds of the supervisors of said county, determine to revive the distinction between county and town poor in said county, and thereafter each of the towns in said county shall maintain its own poor; and upon their filing such determination, duly certified by the clerk of said board, with the county clerk, the said poor shall be maintained by the several towns to which they respectively belong. [Sec. 1, of chap. 121, of 1839.]

Overseers of  
poor may  
maintain  
them in their  
towns, or in  
county poor-  
house

§ 104. If the board of supervisors in said county shall, in pursuance of the provisions of the first section of this act, determine to revive the distinction between town and county poor, it shall be in the discretion of the overseers of the poor of any town in said county to maintain the poor under their care in their respective towns, or at the county poor-house; and whenever the overseers of the poor of any town in said county shall determine to support the whole or a part of the poor of their town at

the county poor-house, the superintendents thereof shall receive said poor, and said town shall be charged for their support at the same rate as is charged for the support of the county poor. [Sec. 2, of same chap.]

§ 105. The board of supervisors of the county of Lewis, at any annual meeting, or at any special meeting called for that purpose, may determine to restore the distinction between county poor and town poor in their said county; and upon their filing such determination, duly certified by the clerk of the said board, with the county clerk, the said poor shall be maintained, and the expense thereof defrayed in the same manner as is now provided by law for the maintaining the poor in those counties in which the distinction between county and town poor prevails. [Sec. 1, of chap. 81, of 1842.]

Distinction  
may be res-  
tored in  
Lewis  
county.

§ 106. When the supervisors of the said county shall have determined to restore the distinction between county and town poor, the clerk of the board of supervisors shall serve a copy of the resolution making such determination upon the clerk of each town within said county, and upon the superintendents of the poor of said county. [Sec. 2, of same chap.]

If restored,  
notice there-  
of how to be  
given.

§ 107. After such resolution shall be served, the excise money collected in any town within said county, and all penalties given by law to the overseers of the poor, when received, shall be applied to the use of the poor of the town in which such money and penalties shall be collected; and all officers or persons into whose hands the said moneys or penalties shall come, shall pay the same to the overseers of the poor of the town to which they shall belong. [Sec. 3, of same chap.]

Excise mo-  
ney and  
fines, how  
applied.

§ 108. The board of supervisors of the counties of Herkimer, Tioga and Saratoga, at any annual meeting, or at any special meeting called for that purpose, may determine to restore the distinction between the county poor and town poor in their said counties respectively; and upon their filing such determination, duly certified by the clerks of said several boards, with the county clerks of their respective counties, the said poor shall be maintained as is now provided by law for the maintaining the poor in those counties in which the distinction between county and town poor now prevails. [Sec. 1, of chap. 208, of 1843.]

Distinction  
may be res-  
tored in Her-  
kimer, Tio-  
ga and Sa-  
ratoga.

Notice, when  
to be served  
on town  
clerks.

§ 109. When the supervisors of the said counties shall have determined to restore the distinction between county poor and town poor, the clerk of the board of supervisors shall serve or cause to be served a copy of the resolution making such determination upon the clerk of each town within said county, and upon the superintendents of said county. [Sec. 2, of same chap.]

Distinction  
may be res-  
tored in Jef-  
ferson,  
Chautauque,  
Cattaraugus,  
Otsego and  
Steuben.

§ 110. The board of supervisors of the counties of Jefferson, Chautauque, Cattaraugus, Otsego and Steuben, at any annual meeting, by a vote in favor thereof of the majority of the members elected, may determine to restore the distinction between county poor and town poor in their said county; and upon filing such determination, duly certified by the clerk of said board, with the county clerk of said county, the poor shall be maintained as now provided by law for maintaining the poor in those counties in which the distinction between county and town poor now prevails. [Sec. 1, of chap. 163, of 1844.]

Notice, when  
to be served  
on town  
clerks.

§ 111. When the supervisors of any such county shall have determined to restore the distinction between county poor and town poor, the clerk of the board of supervisors shall, within sixty days thereafter, serve or cause to be served a copy of the resolution making such determination upon the clerk of each town within said county, and upon the superintendents of said county. [Sec. 2, of same chap.]

Distinction  
may be res-  
tored in Es-  
sex, Oneida  
and Dutch-  
ess.

§ 112. The board of supervisors of the counties of Essex, Oneida and Dutchess, at any annual meeting, by a vote in favor thereof of the majority of members elected, may determine to restore the distinction between county poor and town poor in said county; and upon filing such determination, duly certified by the clerk of the said board, with the county clerk of said county, the poor shall be maintained as now provided by law for maintaining the poor in those counties in which the distinction between county and town poor now prevails. [Sec. 1, of chap. 155, of 1845.]

Town-clerks  
to be noti-  
fied.

§ 113. When the supervisors of any such county shall have determined to restore the distinction between county poor and town poor, the clerk of the board of supervisors shall, within sixty days thereafter, serve or cause to be served a copy of the resolution making such determination upon the clerk of each town within said

county, and upon the superintendents of said county.  
[*Sec. 2, of same chap.*]

§ 114. The board of supervisors in any of the counties of Livingston, Sullivan, Broome, Cortland, Orange, Allegany, Seneca, Franklin, Onondaga and Ulster, at any annual meeting, by a vote of a majority of all the members elected, in favor thereof, may determine to restore the distinction between county poor and town poor in their counties, respectively; and upon their filing such determination, duly certified by the clerk of the board, with the county clerk, the distinction between the county poor and the town poor shall thereupon be restored from and after the time to be fixed by such board of supervisors, either at the commencement or the close of the year for which said supervisors were elected to serve. It shall not be lawful for any officer, whose duty it may be to provide for the maintenance, care or support of poor and indigent persons at public expense, to put up at auction or sale, the keeping, care or maintenance of any such poor or indigent person to the lowest bidder; and every contract which may be entered into for the support, care or maintenance of any such poor or indigent person, in pursuance of, or accordance with, any bid or bids made at any auction or public competition for the support, care or maintenance of any such poor persons, shall be absolutely void. [*Chap. 176, of 1848.*]

Distinction  
to be re-  
stored in  
Livingston  
and other  
counties.

§ 115. The expenses which shall be incurred in the relief or support of indigent persons entitled thereto by law, in the county of Livingston, before removing such persons to the county poor-house of such county, pursuant to the provisions of the Revised Statutes for the relief and support of indigent persons, including the charges of overseers of the poor for services rendered in providing for such relief and support (but not the expense of such removal), shall be a charge upon the towns in which the persons so relieved or supported shall respectively be. [*Sec. 1, chap. 334, of 1845.*]

Towns in  
which per-  
sons reliev-  
ed, reside, to  
pay expen-  
ses.

(1) Some of the provisions contained in this and the ten preceding sections are, perhaps, superseded by subdivision ten, of section four, of chapter 194, of the Laws of 1849; but as the particular mode of proceeding in restoring the distinction between town and county poor is specified in these sections, it has been deemed proper to insert them entire as they were passed.



Overseers of  
the poor to  
provide for  
temporary  
relief.

§ 116. The overseers of the poor of said county shall provide for such relief or support, pursuant to the order of a justice of the peace, to be obtained in the manner provided by the forty-sixth section of the Revised Statutes, above mentioned, except for medical services, to an amount not exceeding five dollars, for which no order shall be required, until such persons shall be removed to the county poor-house of such county, or until the necessity for any further expenditure shall cease; and it shall not be necessary to obtain the sanction of a superintendent of the poor to authorize the expenditure of a greater sum than ten dollars for the relief of any one poor person or family, provided that such orders granted pursuant to this section shall be granted without fee or reward. [Sec. 2, of same chap.]

Names,  
ages, &c., of  
poor relieved,  
to be entered in a  
book.

§ 117. The overseers of the poor shall keep a book, to be procured at the expense of the town, in which they shall enter the name, age, sex and native country of every poor person who shall be relieved or supported by them, together with a statement of the causes, either direct or indirect, which shall have operated to render such person a pauper, so far as the same can be ascertained. They shall also enter in such book a statement of all moneys received by them, when, and from whom, and on what account received, and of all moneys paid out by them, when, and to whom paid, and on what authority. [Sec. 3, of same chap.]

Book to be  
laid before  
the town aud-  
itors.

§ 118. On the Tuesday next preceding the annual town meeting in every year, and also on the Thursday next preceding the annual meeting of the board of supervisors of such county in every year, the overseers of the poor shall lay the said book before the board of town auditors, together with a just and true account of all moneys received and expended by them for the use of the poor since the last preceding meeting of the said board of town auditors; the said board of auditors shall compare said account with the entries in the poor book aforesaid, and shall examine the vouchers in support thereof, and audit and settle the same, and state the balance due from the overseers, or to them, as the case may be. The said account shall be filed with the town clerk; and at every annual town meeting, the town clerk shall produce such

poor accounts for the then preceding year, and read the same if required by the meeting. [*Sec. 4, of same chap.*]

§ 119. The accounts of overseers of the poor, for their services in affording the relief and support mentioned in this act, shall be audited, certified, levied, collected and paid in the manner now provided by law in respect to other town accounts. [*Sec. 5, of same chap.*]

Accounts,  
how audited.

§ 120. At the annual meeting of the board of town auditors, on the Thursday preceding the annual meeting of the board of supervisors, the said board of town auditors shall make a certificate, to be signed by a majority of the board, specifying the name, age, sex and native country of every person who shall have been relieved or supported by the overseers of the poor during the then preceding year, and stating the causes, either direct or indirect, which shall have operated to render such person a pauper, and the amount of money expended for the use of each and every person so relieved or supported, as allowed by the board of auditors, together with the amount allowed to each overseer for services rendered in relation to the temporary relief of the poor as aforesaid; which certificate the said board of auditors shall cause to be delivered to the superintendents of the poor of such county, or one of them, on or before the first day of December then next. [*Sec. 6, of same chap.*]

Town audi-  
tors to cer-  
tify the names  
ages, &c., of  
persons re-  
lieved.

§ 121. The board of town auditors shall also, at their annual meeting mentioned in the last preceding section, make an estimate, to be signed by a majority of the board, of the sum which they shall deem necessary for the temporary relief and support of the poor the ensuing year, and to supply any deficiency in the preceding year, and shall cause the said estimate to be laid before the board of supervisors of such county on the first day of their then next annual meeting. The board of supervisors shall cause the said sum to be levied and collected in the town where the same was estimated to be necessary as aforesaid, in the manner now provided by law in respect to other town charges, and to be paid to the overseers of the poor of such town. [*Sec. 7, of same chap.*]

Estimate to  
be made of  
amount ne-  
cessary for  
next year.

§ 122. It shall be the duty of the board of supervisors of such county to examine the accounts of the superintendents of the poor, and audit the same. [*Sec. 8, of same chap.*]

Duty of  
board of su-  
pervisors to  
examining ac-  
counts.

Other counties may adopt the provisions of the Livingston county act.

Not to apply to the city of New York and county of Kings.

Power of superintendents in Kings county.

Articles may be purchased.

§ 123. Whenever the board of supervisors of any county in this state shall, by resolution, declare their intention to adopt the provisions of the act entitled "An act in relation to the temporary relief of the poor in the county of Livingston, and such other counties as may adopt the provisions of this act," passed May 14th, 1845, all the provisions of said act shall extend and apply to said county. [Sec. 1, of chap. 246, of 1846.]

§ 124. The provisions of the first section of this act shall not apply to the city and county of New-York nor to the county of Kings. [Sec. 2, of same chap.]

§ 125. The superintendents of the poor of the said county (Kings), or any one or more of them, shall have and exercise exclusive authority, and it is hereby made their duty to do every act and thing now required to be done by the justices of the peace and overseers of the poor of the city of Brooklyn, and by the justices of the peace and overseers of the poor of the other towns of the said county, in pursuance of the first title of the twentieth chapter and first part of the Revised Statutes, in relation to the relief and support of indigent persons; and of the fourth title of the eighth chapter and second part of the Revised Statutes, in relation to masters, apprentices and servants, and of any acts amendatory of said titles, in the same manner as if they were justices of the peace and overseers of the poor. Provided that nothing herein contained shall be construed to authorize the said superintendents of the poor to receive or take any fees or special compensation for the services by them performed under this act, but that such services shall be deemed and taken as part of their general duties. [Sec. 2, of chap. 305, of 1838.]

§ 126. It shall be lawful for the superintendents of the poor of the said county, from time to time, to purchase or procure in anticipation, and to keep on hand such articles and things as they may deem advisable for the purpose of enabling them to grant temporary relief to such poor persons as may apply for the same, and who shall be lawfully entitled thereto; and to employ one or more persons as agents under them, if necessary, to render and apply such relief in a due and prudent manner, and under such restrictions and regulations as the

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said superintendents of the poor shall or may prescribe: [Sec. 3, of same chap.]

§ 127. The superintendents of the poor of the said county are hereby authorized to make and ordain such rules and by-laws as they may think necessary for the purpose of regulating and carrying into effect the powers granted to them under the provisions of this act; but such rules and by-laws shall not be valid unless sanctioned by the board of supervisors of the county of Kings, and entered at large on the minutes of the said board. [Sec. 4, of same chap.]

Rules and  
by-laws.

§ 128. If any pauper shall hereafter be sent to the poor-house of the county of Kings, and any one of the superintendents of the poor in the said county shall suspect such pauper to be a foreigner, and to have been within the next preceding two years brought from such foreign port, and originally landed in the city of New-York, such superintendent shall notify the other superintendents of the said county; who, or a majority of them, shall inquire into the facts, and if they are of opinion that such pauper is a foreigner, and that he on his original importation was landed in the city of New-York, within two years next preceding as aforesaid, such superintendents, or any of them, may at any time thereafter give notice thereof in writing to the commissioners of the alms-house and bridewell of the city of New-York, or any of them, which notice shall set forth the name and age of such pauper, and the time when such pauper was landed in the port of New-York, as near as may be, with the name of the vessel in which such pauper arrived, and containing a request to the said commissioners to provide for the relief and support of such pauper. [Sec. 1, of chap. 257, of 1842.]<sup>1</sup>

Examination  
relative  
to paupers  
suspected to  
be foreign-  
ers.

§ 129. The said commissioners of the alms-house and bridewell of the city of New-York may, at any time after receiving such notice, cause the said pauper to be brought to the said city and there provide for his or her support; and until the said commissioners shall take charge of the support of such pauper, the said superintendents, or their agents, shall provide for his or her

Duty of com-  
missioners of  
alms-house  
of New-  
York.

(1) By chap. 246, of 1849, the management of the alms-house in the city of New-York is vested in a board of governors. This notice must therefore now be given to them, or any one of them.

relief and support, as in cases of county paupers; and the mayor, aldermen and commonalty of the said city of New-York shall pay the said county of Kings a fair and reasonable compensation for the maintenance and support of such paupers, and of such child or children of such pauper as may have been born subsequent to his or her importation, from time of the service of such notice until the expiration of two years from and after the importation of such pauper. [*Sec. 2, of same chap.*]

Corporation  
of New-  
York not li-  
able to sup-  
port certain  
paupers.

§ 130. The mayor, aldermen and commonalty of the city of New-York shall, in no case, be liable for the support of any pauper, as provided in the preceding section of this act, unless the said mayor, aldermen and commonalty shall have been indemnified for the support of such pauper according to the act entitled "An act to reduce several laws relating particularly to the city of New-York into one act," passed April 9, 1813, or unless the said mayor, aldermen and commonalty shall have compounded for the support of such pauper. [*Sec. 3, of same chap.*]

Evidence of  
indemnifica-  
tion.

§ 131. If any such pauper shall have been reported, in writing, to the said mayor or recorder of the said city, by any master or commander of any vessel, according to the provisions of the two hundred and fifty-first section of the abovementioned act, such report shall, in all cases, be conclusive evidence that the said mayor, aldermen and commonalty have been indemnified, or have compounded for the support of such pauper, as mentioned in the third section of this act. [*Sec. 4, of same chap.*]

Board of su-  
pervisors to  
fix salary of  
superintend-  
ents in Kings  
county.

§ 132. The board of supervisors of the county of Kings shall hereafter, at their regular annual meetings, fix and determine the amount of compensation or salary to be paid to the several superintendents of the poor of said county during the terms of office of such superintendents respectively; such salaries shall be made payable quarterly, and the board of supervisors shall at such meetings, fix and determine when and how such salaries shall be payable in accordance herewith. [*Sec. 1, of chap. 395, of 1849.*]

Supervisors  
to adjudicate  
on support  
of poor in  
Montgomery  
county.

§ 133. The powers and duties of the overseers of the poor, and the powers and duties of the justices of the peace in the county of Montgomery, so far as relates to

the adjudication in relation to, and support of the poor, are hereby conferred upon the supervisors of the respective towns in said county; and it shall be the duty of the supervisor of each town in said county to exercise the power and discharge the duties aforesaid. [Sec. 1, of chap. 266, of 1839.]

§ 134. In case of the absence of the supervisor from the town of which he is a resident, or inability to serve, or vacancy in said office, then the powers and duties aforesaid shall be exercised and discharged by any justice of the peace of the respective towns in said county. [Sec. 2, of same chap.]

Provision in case of vacancy.

§ 135. It shall be the duty of the supervisor of each town in said county to enter in a book, to be by him kept for that purpose, the names of all persons who shall apply to him for relief; his decision in each case, whether sent to the poor-house, temporarily relieved, or application refused, together with an account of all sums by him expended, the items of expenditure in the relief of each indigent or poor person and family, and the number of persons relieved in each family; which book shall, at all times, be open to the inspection of any taxable inhabitant of the town, or any superintendent of the poor of the county, when demanded. It shall be the duty of the supervisor of each town to furnish the superintendents of the poor, on the first day of the next annual meeting of the board of supervisors, a copy of the entries made by him as aforesaid; and also, to cause the same to be read at the opening of the next annual town meeting in his town, before the electors thereof; and he shall receive for his services aforesaid, one dollar per day while in actual service, to be audited in the same manner as other poor expenses. [Sec. 3, of same chap.]

Names of applicants to be entered.

§ 136. There shall hereafter annually be elected, in the county of Montgomery, one superintendent of the poor, to be chosen at the same time and in the same manner that members of assembly are now by law elected, whose term of office shall commence on the third Monday of November in each and every year, on whom shall be conferred all the powers and duties now by law required of superintendents of the poor in said county not inconsistent with the provisions of this act, and to be subject to the same liabilities and penalties; and in

Superintendent of the poor to be elected.

case of any vacancy occurring by the death, resignation or otherwise of such superintendent, the treasurer of said county may appoint a superintendent of the poor for the remainder of such term. [Sec. 1, of chap. 137, of 1844.]

Keeper, how  
appointed.

§ 137. The board of supervisors of said county shall possess the sole power to appoint a keeper of the poor-house, to hold his office during the pleasure of said board; and said keeper, when so appointed, shall have power and it shall be his duty:

His powers  
and duties.

1. To establish and ordain prudential rules, regulations and by-laws for the government and good order of the poor-house in said county, and for the employment, relief, management and government of the persons therein placed; said rules, regulations and by-laws shall be approved and sanctioned by the county superintendent in writing; a copy of such rules, regulations and by-laws, together with such approval, shall be filed with the clerk of the board of supervisors.

2. To purchase the furniture, implements, materials and supplies that shall be necessary from time to time for the maintenance of the poor therein, and to employ such help to carry on the business of the poor-house farm as shall be necessary, in addition to the labor of the paupers.

3. To certify the amount due to any person for bringing paupers to the poor-house, which amount shall be paid by the county treasurer on the production of such certificate, countersigned and allowed by the superintendent of the poor.

4. To draw on the county treasurer from time to time for all necessary expenses incurred by him in the discharge of his duties, to be paid by the treasurer out of any moneys in his hands for the support of the poor.

5. To keep a book, in which shall be entered a correct and full statement of all purchases, contracts, sales and expenditures made by him as such keeper, which book shall be open for the inspection of any taxable inhabitant of the county at all reasonable hours, and which book and the vouchers for said expenditure shall be exhibited by him to the board of supervisors at each annual meeting of the board, and at any special meeting thereof when he shall be called upon by resolution so to do.

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6. And said keeper shall, at each annual meeting of the board, on the first day of said meeting, and when called upon so to do at any special meeting, render to the board of supervisors a full, just and correct account in writing of all expenditures made by him, and of his doings as such keeper; and the amount and value of the products of the labor of the paupers, and of the produce of the farms; and the name of every person to whom any draft on the county treasurer shall have been given by him, the amount of the same, together with a statement of what the allowance was made for, and the price or sum allowed for the service or article for which such allowance was made; which statement shall be verified by the oath of the said keeper, and shall remain on file in the office of the clerk of the board of supervisors. [Sec. 2, of same chap.]

§ 138. Said keeper shall, before he enters upon the duties of his office, execute to the treasurer of said county a bond, in the penal sum of ten thousand dollars, with two or more sufficient sureties, to be approved by such treasurer, conditioned for the faithful performance of the duties of his office, and the proper application of the moneys that may come into his hands by virtue of this act; and in case default is made in any of the conditions of said bond, the said treasurer is hereby authorized and required to prosecute the same to judgment and execution; and all moneys arising therefrom shall be paid into the county treasury, for the support of the poor of the said county. [Sec. 3, of same chap.]

§ 139. All temporary relief shall hereafter be granted by the supervisors of the town in which such applicant resides; and such supervisor shall keep a book in which he shall enter the name of every person who shall apply for temporary relief, the date and the result of each application, the articles furnished, if any, and to what amount; and all such temporary relief furnished to any such indigent person or persons, including the pay of the supervisor, physician, &c., shall be a town charge upon the town of which the person relieved is a resident; and such supervisor shall keep a correct account and report the same to the board of town auditors in writing, at their annual meeting next preceding the annual town

To give  
bond.

Amount for  
temporary  
relief to be  
entered in a  
book.



meeting in such town, in which report he shall set forth in detail, as above, all his doings in the premises for the preceding year; and said board of town auditors shall audit the same, and keep an account thereof, as said board is now required by law to do of other town expenses; and the said accounts, as audited, shall be levied, collected and paid in the same manner as other town expenses are now levied, collected and paid; and said report shall be filed with the town clerk, and by him publicly read to the people immediately after opening the polls at the annual town meeting, and all temporary relief furnished to transient and indigent persons by the respective supervisors. Each supervisor furnishing such relief shall keep and render a correct account in detail of the same to the board of auditors of county poor expenses, on the first day of their annual meeting, to be audited and paid in the same manner as other county poor expenses are required to be paid. [Sec. 4, of same chap.]

Expenses,  
how audited.

§ 140. The county poor expenses shall hereafter be audited by the board of supervisors, in the same manner as other county expenses are audited. [Sec. 2, of chap. 201, of 1853, substituted for sec. 5, of chap. 137, of 1844, repealed.]

Temporary  
relief in Al-  
bany county.

§ 141. The said board of supervisors of the county of Albany, and the said mayor and recorder of the city of Albany, by their votes in joint meeting, shall make and prescribe such rules and regulations, in relation to temporary relief granted to the poor by the overseers of the poor in the said city, and in the several towns in the said county, and the manner in which the same shall be chargeable, as they shall deem expedient; and they shall, in like manner, also determine and regulate the manner in which the salaries of overseers of the poor, payment to physicians, and counsel fees in cases relating to the poor, accruing in the said city, and in the said several towns, shall be audited, paid and made chargeable, as they shall deem expedient. [Sec. 10, of chap. 152, of 1844.]

Overseers in  
Lewis coun-  
ty to give  
bonds.

§ 142. All moneys voted to be raised at any annual or special town meeting in any town of the county of Lewis, for the support of town poor, shall be paid to the overseers of the poor of such town, who shall be required to

give bonds in the same manner as town superintendents of common schools are now required by law to do, in a penalty of at least double the amount of all moneys received by their predecessors from all sources the preceding year, conditioned for the faithful application and disbursement of all moneys which shall come into their hands by virtue of their office; and the overseers shall annually account to the board of town auditors for all moneys received and disbursed by them, according to section fifty-two, of title one, chapter twenty, part one, of the Revised Statutes. [*Sec. 1, of chap. 7, of 1845.*]

§ 143. There shall hereafter, annually, be elected in the county of Wayne, one superintendent of the poor, to be chosen at the same time and in the same manner that members of assembly are now by law elected, whose term of office shall commence on the third Monday in November, in each and every year, on whom shall be conferred all the powers and duties now by law required of superintendents of the poor in said county, not inconsistent with the provisions of this act, and to be subject to the same liabilities and penalties. And in case of any vacancy occurring by death, resignation or otherwise, of such superintendent, the treasurer of said county may appoint a superintendent of the poor for the remainder of such term. [*Sec. 1, of chap. 315, of 1845.*]

Superintendents of the poor to be elected every year in Wayne county.

§ 144. The board of supervisors of said county shall possess the sole power to appoint a keeper of the poor-house, to hold his office during the pleasure of said board. And such keeper, when so appointed, shall have power, and it shall be his duty :

Keeper of poor-house, how appointed.

1. To establish and ordain prudential rules, regulations and by-laws for the government and good order of the poor-house in said county, and for the employment, management and government of the persons therein placed. Such rules, regulations and by-laws shall be approved and sanctioned by the county superintendent, in writing; and a copy of such rules, regulations and by-laws, together with such approval, shall be filed with the clerk of the board of supervisors.

His duty.

2. To purchase the furniture, implements, materials and supplies that shall be necessary, from time to time, for the maintenance of the poor therein, and to employ such help to carry on the business of the poor-house farm

POOR LAWS OF THE

as shall be necessary in addition to the labor of the paupers.

3. To certify the amount due to any person for bringing paupers to the poor-house, which amount shall be paid by the county treasurer on the production of such certificate, countersigned and allowed by the superintendent of the poor.

4. To draw on the county treasurer, from time to time, for all necessary expenses incurred by him in the discharge of his duties, to be paid by the treasurer out of any moneys in his hands for the support of the poor.

5. To keep a book in which shall be entered a correct and full statement of all purchases, contracts, sales and expenditures made by him as such keeper, which book shall be open for the inspection of any taxable inhabitant of the county, at all reasonable hours, and which book and the vouchers for said expenditures shall be exhibited by him to the board of supervisors at each annual meeting of the board, and at any special meeting thereof when he shall be called upon by resolution so to do.

6. And said keeper shall, at each annual meeting of the board, on the first day of said meeting, and when called upon so to do at any special meeting, render to the board of supervisors a full, just and correct account in writing of all expenditures made by him, and of his doings as such keeper; and the amount and the value of the products of the labor of the paupers, and of the produce of the farm; and the name of every person to whom any draft on the county treasurer shall have been given by him, the amount of the same, together with a statement of what the allowance was made for, and the price or sum allowed for the service or article for which such allowance was made; which statement shall be verified by the oath of said keeper, and shall remain on file in the office of the clerk of the board of supervisors. [Sec. 2, of same chap.]

To give  
bond.

§ 145. Said keeper shall, before he enters upon the duties of his office, execute to the treasurer of said county a bond, in the penal sum of twelve thousand dollars, with three or more sufficient sureties, to be approved by such treasurer, conditioned for the faithful performance of the duties of his office, and the proper application of the moneys that may come into his hands by virtue of this

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act; and in case default is made in any of the conditions of said bond, said treasurer is hereby authorized and required to prosecute the same to judgment and execution, and all moneys arising therefrom shall be paid into the county treasury for the support of the poor of said county. [Sec. 3, of same chap.]

§ 146. All temporary relief shall hereafter be granted by the supervisor of the town in which the applicant resides; and such supervisor shall keep a book, in which he shall enter the name of every person who shall apply for temporary relief, and the date and the result of each application, the articles furnished (if any), and to what amount; and all such temporary relief furnished to any such indigent person or persons, including the pay of the supervisor, physician, etc., shall be a town charge upon the town of which the person relieved is a resident; and such supervisor shall keep a correct account, and report the same to the board of town auditors in writing at their annual meeting next preceding the annual town meeting in such town, in which report he shall set forth in detail, as above, all his doings in the premises for the preceding year, and said board of town auditors shall audit the same and keep an account thereof, as said board is now required by law of other town expenses; and the said accounts, as audited, shall be levied, collected and paid in the same manner as other town expenses are now levied, collected and paid; and said report shall be filed in the office of the town clerk, and by him publicly read to the people, immediately after opening the polls at the annual town meeting, and all temporary relief furnished to transient indigent persons by the respective supervisors; each supervisor furnishing such relief, shall keep and render a correct account in detail of the same to the board of auditors of county poor expenses, on the first day of their annual meeting, to be audited and paid in the same manner as other county poor expenses are required to be paid. [Sec. 4, of same chap.]

Temporary relief.

§ 147. The board of auditors of the county poor expenses of said county shall hereafter consist of the county superintendent of the poor, the county treasurer and the county clerk, who shall have power to audit all county poor expenses, except those provided for in the preceding sections of this act. [Sec. 5, of same chap.]

Board of auditors.

Superintendents of Westchester to keep an account.

§ 148. The said superintendents of the county of Westchester shall be required to keep an accurate account of all money accounts, expenditures and receipts at the county poor-house in said county ; and make annually to the supervisors, under oath, a full and faithful statement of the expenses, condition and resources of the institution, for record in the books of the house and for publication. [*Sec. 2, of chap. 126, of 1845.*]<sup>1</sup>

Moneys for supplies, when to be paid.

§ 149. No moneys raised or appropriated for or applicable to the support of the poor in said county, either for the purchase of supplies or for services rendered under direction or engagements of the said superintendents, shall be drawn from the treasury of the county or paid out until such supplies shall have been actually received at the poor-house, or such services actually rendered and performed, and the same passed upon and authorized at a meeting of the superintendents, whose draft therefor, duly signed by them or their presiding officer, shall thereupon be paid by the county treasurer. [*Sec. 4, of same chap.*]

Three superintendents to be elected in Rensselaer county.

§ 150. At the general election in November, one thousand eight hundred and forty-eight, there shall be elected three superintendents of the poor of the county of Rensselaer, in the same manner that other county officers are now chosen. One of said superintendents, so elected, shall hold his office for one year, one for two years, and one for three years from the first day of January, one thousand eight hundred and forty-nine. And annually thereafter there shall be elected in the county of Rensselaer one superintendent of the poor, who shall hold his office for three years. The board of supervisors of said county may fill vacancies which may occur in such offices. [*Part of sec. 1, of chap. 240, of 1848.*]

Excise money in Orleans county.

§ 151. All moneys received for excise duty under the ninth title of chapter twenty, of part first of the Revised Statutes, in the several towns of the county of Orleans, shall be paid to the overseers of the town where the same shall be collected, to be expended in the temporary relief of the poor thereof. [*Sec. 1, of chap. 99, of 1849.*]

(1) The first section of this chapter is superseded by the provisions of chapter 498, of 1847,—see ante, section 15. The 3d section is repealed by chapter 233, of 1846.

§ 152. All charges and expenses incurred for temporary relief in the several towns in the county of Dutchess, including the fees of all officers in dispensing such relief, shall be borne and paid by each of said towns respectively. [Sec. 1, of chap. 168, of 1850.]

Towns chargeable with expense of temporary relief in Dutchess county.

§ 153. Each town in the county of Dutchess shall bear and pay all expenses incurred in the removal of paupers from such town to the county poor-house. [Sec. 2, of same chap.]

And with expense of removal of paupers.

§ 154. All charges and expenses incurred under the two preceding sections shall be audited by the board of town auditors in said towns. [Sec. 3, of same chap.]

Charges, how audited.

§ 155. The office of the overseer of the poor is abolished in all the towns of the county of Herkimer, and the powers and duties of overseers of the poor, except as otherwise provided by this act, are hereby conferred upon the supervisors of the respective towns in said county; and the supervisors of each town in said county shall exercise the powers and discharge the duties aforesaid, and shall be subject to all the liabilities and penalties that overseers of the poor are now by law subject to. [Sec. 1, of chap. 29, of 1850.]

Supervisors to be overseers of the poor in Herkimer county.

§ 156. It shall be the duty of the supervisors of the several towns in said county to grant all the temporary relief to the poor and indigent persons in their respective towns. The superintendents or superintendent of the poor shall, from time to time, advance to each supervisor such sums of money as he shall deem proper to be expended by such supervisor for the relief of poor or indigent persons; but the money so advanced to and remaining in the hands of the supervisor shall not exceed in amount such sum as shall be fixed for each town by the board of supervisors; and it shall be the duty of each supervisor to enter in a book, to be by him kept for that purpose, the name, age and sex of every person by him relieved, together with an account of all sums of money by him expended, the items of expenditure in the relief of each poor or indigent person, and the cause of poverty or indigency in each case, as far as it can be ascertained; and the entries so made, for the year ending on the first Tuesday of March in each year, shall be publicly read by the supervisor, or, in his absence, by the town clerk, to the people at each annual town meeting. It

Temporary relief.

Must keep account.

And furnish  
copy to  
board of su-  
pervisors.

Compensa-  
tion.

Vacancy,  
how filled.

Board of su-  
pervisors to  
appoint su-  
perintend-  
ent of the  
poor.

Superin-  
tendent must  
reside at the  
poor-house.

shall also be the duty of each supervisor to furnish a copy of all the entries in the book aforesaid, for the year ending on the first day of November in each year, to the clerk of the board of supervisors, on or before the first day of the annual meeting of said board in each year; and each supervisor, for all the services aforesaid, shall receive one dollar and fifty cents per day while in actual service, or twenty-five cents for every order made in the discharge of his duties under this act, provided that he shall in no case receive more than one dollar and fifty cents for all the orders made or services rendered in one day. [Sec. 2, of same chap.]

§ 157. In case of the absence of the supervisor from his town, or his inability to serve, or a vacancy in the office of supervisor, then the powers and duties of the supervisor, under this act, shall be exercised and discharged by the justice of the peace residing in the town having the shortest time to serve; and every justice of the peace, discharging the duties aforesaid, shall keep the same account of his doings that the supervisor is required to keep, and shall deliver the same to the supervisor, to be by him entered in the book aforesaid. [Sec. 3, of same chap.]

§ 158. No superintendent of the poor shall hereafter be elected in said county at the annual meeting of the board of supervisors of the said county in the fall of eighteen hundred and fifty-two; and at each annual meeting of the said board thereafter one superintendent of the poor shall be appointed by the said board, who shall hold his office for one year next after the thirty-first day of December following such appointment, and until a successor shall be appointed; and every superintendent of the poor, appointed in pursuance of this act, shall exercise all the powers and discharge all the duties now by law exercised and discharged by the superintendents of the poor, except such powers and duties as are inconsistent with this act; and shall also be subject to the same liabilities and penalties that superintendents of the poor are now by law subject to. [Sec. 4, of same chap.]

§ 159. The superintendent of the poor appointed in the fall of eighteen hundred and fifty-two, and every superintendent of the poor thereafter appointed, shall

reside at the poor-house and be the keeper thereof, and shall receive such a compensation for his services as shall be determined by the board of supervisors at any annual meeting; but the compensation to be paid to any superintendent of the poor shall not be increased or diminished during the term for which he is appointed. [Sec. 5, of same chap.]

Compensation.

§ 160. Whenever a vacancy shall occur in the office of superintendent of the poor of said county, the county judge, county clerk and county treasurer shall appoint some person to fill such vacancy, who shall hold his office during the remainder of the term, and shall, before entering upon his duties, give a bond, such as is now required by law of superintendents of the poor, except that it shall be approved by the county judge, county clerk and county treasurer. Said bond, with the approval aforesaid endorsed thereon, shall be filed in the office of the county clerk. [Sec. 7, of same chap.]

Vacancy, how filled.

§ 161. Any superintendent of the poor in said county, for good and sufficient cause, other than political, may be removed from his office by the board of supervisors at any regular meeting, whenever two-thirds of all the supervisors elected shall vote in favor of such removal. And every vacancy caused by such removal shall be filled for the remainder of the term, by appointment, by the board of supervisors. [Sec. 8, of same chap.]

May be removed from office for cause.

§ 162. Every superintendent of the poor, as well as every supervisor in said county, shall have power to administer an oath to any person applying for relief as to any matters pertaining to or touching the application for relief. [Sec. 9, of same chap.]

Superintendent may administer oath.

§ 163. The board of supervisors of said county shall, at their annual meeting in the fall of eighteen hundred and fifty-two, and at each annual meeting thereafter, appoint one person whose duty it shall be to visit the poor-house at least once in each month, and examine into the condition and usage of the poor, the management of the poor-house and farm, the books of the keeper, and the doings of the keeper in general. He shall make a report of his doings at the annual or any special meeting of the board of supervisors, and shall receive, as a compensation for his services, the sum of two dollars per day. [Sec. 10, of same chap.]

Committee to visit poor-house.

His report and compensation.



Poor ac-  
counts.

How audit-  
ed.

Contracts for  
medicine  
and medical  
services.

Only one  
overseer of  
the poor to  
be elected in  
Jefferson  
county.

Duty of su-  
pervisor and  
overseer of  
the poor.

§ 164. All the poor accounts in said county for the year preceding the first day of November, eighteen hundred and fifty, including all accounts for temporary relief to poor or indigent persons, and all accounts for expenses at and connected with the poor-house, and all accounts for services of superintendents of the poor and supervisors, under this act, &c., shall be audited by the said board as other county accounts are now by law audited. And all the accounts aforesaid shall thereafter be audited by the said board at their annual meetings. [*Sec. 11, of same chap.*]

§ 165. The board of supervisors of said county shall have exclusive power to make contracts with physicians and surgeons to furnish medicines and medical and surgical services for the poor at the poor-house, and in such towns as they may deem it advisable. And when a contract is so made in any town, with any physician or surgeon, the supervisor of said town shall employ no other physician or surgeon to attend the poor in said town, except in case of the absence, inability or refusal to perform of the physician or surgeon having the contract. If the said board fail to make the contracts aforesaid, or any of them, at any regular meeting, then the said contracts, or any of them, may be made at any other time in such manner and on such terms as said board may direct. [*Sec. 12, of same chap.*]

§ 166. All statutes, in any way conflicting with the provisions of this act, are and shall be inoperative and ineffectual within the said county. [*Sec. 13, of same chap.*]

§ 167. There shall hereafter be elected but one overseer of the poor in each town in the county of Jefferson; and the powers and duties of overseers of the poor are hereby conferred upon the supervisor and such overseer of the poor of the respective towns in said county; and the supervisor and overseer of the poor of each town in said county shall exercise the powers and discharge the duties aforesaid, and shall be subject to all the liabilities and penalties that overseers of the poor are now by law subject to. [*Sec. 1, of chap. 242, of 1852.*]

§ 168. It shall be the duty of the supervisor and overseer of the poor of the several towns in said county to grant all the temporary relief to the poor and indigent persons in their respective towns. The superintendent or superintendents of the poor shall, from time to time, advance to

each supervisor such sum of money as he shall deem proper to be expended by such supervisor and overseer of the poor for the relief of poor and indigent persons, but the money so advanced to and remaining in the hands of the supervisor shall not exceed in amount such sum as may be fixed for each town by the board of supervisors ; and it shall be the duty of each supervisor and the overseer of the poor to enter in a book, to be by each of them kept for that purpose, the name, age and sex of every person by him relieved, together with an account of all sums of money by him expended, the items of expenditure in the relief of each poor or indigent person, and the cause of poverty or indigency in each case, as far as it can be ascertained ; and the entries so made, for the year ending on the day next preceding the annual town meeting in each year, shall be publicly read by the supervisor, or in his absence by the town clerk, to the people at each annual town meeting. It shall be the duty of the overseer of the poor to furnish to the supervisor of the town a copy of all the entries in the book, provided to be kept by such overseer, for the year ending on the first day of November in each year, during the week preceding the annual meeting of the board of supervisors ; and it shall also be the duty of each supervisor to deliver such copy of the entries furnished him by such overseer, and a copy of all the entries in the book aforesaid required to be kept by him for the year ending on the first day of November in each year, to the clerk of the board of supervisors, on or before the first day of the annual meeting of said board in each year ; and each supervisor and overseer of the poor, for all the services rendered in discharge of their official duties respectively as aforesaid, shall receive the same rate of compensation per day, while in actual service, as is now provided by law for such officers respectively while in the discharge of their duties as town officers, or twenty-five cents for every order made in the discharge of their official duties respectively under this act, provided that they shall in no case receive more for all orders made or services rendered in one day than the per diem compensation above provided.

No overseer of the poor shall expend for the relief of any one poor person or family a sum exceeding five dollars, without first obtaining the written authority of the

## POOR LAWS OF THE

supervisor of the town, and in such case not exceeding the amount limited in such written authority. [Sec. 2, of same chap.]

No superintendent of poor to be elected. Supervisors to appoint one.

§ 169. No superintendent of the poor shall hereafter be elected in said county. At the annual meeting of the board of supervisors of the said county, in the fall of eighteen hundred and fifty-two, and at each annual meeting of the said board thereafter, one superintendent of the poor shall be appointed by the said board, who shall hold his office during the pleasure of such board; and until a successor shall be appointed; and every superintendent of the poor appointed in pursuance of this act, together with the present superintendents of the poor of said county, until the expiration of their term of office, respectively, and thereafter the superintendent of the poor, so appointed, shall exercise all the powers and discharge all the duties now by law exercised and discharged by the superintendents of the poor, except such powers and duties as are inconsistent with this act, and shall also be subject to the same liabilities and penalties that superintendents of the poor are now by law subject to; and every superintendent of the poor appointed in pursuance of this act, before he enters upon the duties of his office, and within ten days after notice of his appointment, shall execute to the board of supervisors of said county a bond, in the penal sum of ten thousand dollars, or such other sum as such board shall direct, with two or more sureties to be approved by such board, or in case such board shall not be in session, by the county judge, county treasurer and county clerk, or any two of them, conditioned that he shall faithfully execute and discharge the duties of his office, and shall pay according to law all moneys that shall come into his hands by virtue of his office, and render a just and true account thereof to the board of supervisors, at each annual meeting of such board, and at any special meeting of such board when he shall be required so to do. Said bond, with the approval aforesaid thereon endorsed, shall be filed in the office of the county clerk. The term of office of the superintendent to be appointed in the fall of eighteen hundred and fifty-two, under this act, shall commence on the first day of January thereafter. [Sec. 3, of same chap.]

## STATE OF NEW-YORK.

§ 170. The superintendent of the poor appointed in the fall of one thousand eight hundred and fifty-two, and every superintendent thereafter appointed, shall reside at the poor-house, and be the keeper thereof, and shall receive such a compensation for his services as shall be determined by the board of supervisors at any annual meeting; but the compensation to be paid to any superintendent of the poor, so appointed, shall not be increased or diminished during the term for which he is appointed, [Sec. 4, of same chap.]

Superintendents to reside at poor-house.

§ 171. Whenever a vacancy shall occur in the office of superintendent of the poor of said county, appointed under this act, the county judge, county clerk and county treasurer, or any two of them, shall appoint some person to fill such vacancy, who shall hold his office until a successor shall be appointed in pursuance of this act, and shall, before entering upon the duties of his office, and within five days after notice of such appointment, give such bond as is provided for by the third section of this act, which bond shall be approved by the county judge, county clerk and county treasurer, or any two of them; said bond, with the approval aforesaid thereon endorsed, with the order of his appointment to such office, shall be filed in the office of the county clerk; every superintendent, appointed in pursuance of this section, shall receive the same proportionate rate of compensation for his services as his immediate predecessor would have been entitled to receive. [Sec. 5, of same chap.]

Vacancies.

§ 172. Every superintendent of the poor, as well as every supervisor and overseer of the poor in said county, shall have power to administer an oath to any person applying for relief, as to any matters pertaining to or touching the application for relief. Wilful false swearing under this act shall be deemed perjury. [Sec. 6, of same chap.]

Oaths may be administered.

§ 173. It shall be the duty of the superintendent of the poor, appointed in pursuance of this act, to keep a book in which shall be entered a correct and full statement and account of all purchases, contracts, sales and expenditures made, and all moneys received by him as such superintendent and keeper; the amount and value of the product of the farm; the name of every person to whom any draft on the county treasurer shall be given,

Superintendent to keep a book.

or money paid by him; the amount of the same, for what the allowance or payment was made, and the price or sum allowed for the services or article for which such allowance or payment was made; which book, with the vouchers of such expenditures, shall be presented to the board of supervisors at each annual meeting thereof, with his report and account, and also at every special meeting of said board, when required by such board. [Sec. 7, of same chap.]

Duty of  
supervisors.

§ 174. The board of supervisors of said county shall, at their annual meeting in the fall of one thousand eight hundred and fifty-four, and at each annual meeting thereafter, appoint two persons whose business it shall be to visit the poor-house once every two months, and not oftener unless ordered by said board, and examine into the condition and usage of the poor, the management of the poor-house and farm, the books of the keeper, and the doings of the keeper in general; they shall make a report in writing of their doings to the board of supervisors, at each annual meeting thereof, and also, when called upon so to do, at any special meeting of said board, and shall each receive, as a compensation for their services, the sum of two dollars per day while in actual service; said persons shall be appointed by ballot at the same time, and no ballot shall contain the name of more than one person, and the two persons having the greatest number of votes shall be deemed appointed, and shall hold their office during the pleasure of the board, and until a successor shall be appointed. The term of office of the persons appointed, pursuant to this section, in the fall of one thousand eight hundred and fifty-four, shall commence on the first day of January, one thousand eight hundred and fifty-five. [Sec. 8, of same chap.]

Poor ac-  
counts, how  
audited.

§ 175. All the poor accounts in said county, for the year preceding the first day of November, eighteen hundred and fifty-two, including all accounts for temporary relief to poor or indigent persons, and all accounts for expenses at and connected with the poor-house, and all accounts for services of superintendents of the poor and supervisors and overseers of the poor under this act, shall be audited by the board of supervisors as other county accounts are now by law audited. And all such

accounts, as aforesaid, shall thereafter be audited in the same manner by said board at their annual meeting. [Sec. 9, of same chap.]

§ 176. The board of supervisors of said county shall have exclusive power to make contracts with physicians and surgeons to furnish medicines and medical and surgical services for the poor at the poor-house, and in such towns as such board may deem advisable. And the supervisors of the respective towns shall have power to make contracts with physicians and surgeons to furnish medicines and medical and surgical services for the poor and indigent persons that may be relieved in said town.

Contracts  
with phy-  
sicians and  
surgeons.

No overseer of the poor shall have power to grant medical or surgical relief for any poor or indigent person, at the expense of the county, without the written order or authority of the supervisor of the town, and in such case not to an amount exceeding the sum limited in such written order or authority. [Sec. 10, of same chap.]

§ 177. The board of supervisors of said county shall have power to direct by resolution, to be entered on its minutes, in relation to and in what manner the supplies for the poor-house or any portion of such supplies shall be purchased, obtained or contracted for by the superintendent or superintendents of the poor; and when any such direction shall be given by said board, the same shall be observed and carried out by said superintendent or superintendents. [Sec. 11, of same chap.]

Supplies for  
poor-house.

§ 178. All statutes in any way conflicting with the provisions of this act, are and shall be inoperative and ineffectual within the said county of Jefferson. [Sec. 13, of same chap.]

Statutes  
inoperative.

§ 179. The board of supervisors of the county of Onondaga shall hereafter, at their annual meeting, audit and settle all accounts of the superintendents of the county poor-house of said county; the accounts of the overseers of the poor of the city of Syracuse, and of the several towns in said county, for services and expenses incurred by them for the temporary relief of the county poor of said county; and the accounts of all other persons for like services rendered, or for supplies furnished, and for medical attendance by physicians for the poor, chargeable to said county. [Sec. 1, of chap. 231, of 1852.]

Accounts of  
the superin-  
tendents of  
county poor-  
house in  
Onondaga  
county.

Board of  
supervisors  
may contract  
for supplies.

§ 180. The board of supervisors of said county shall have power to contract with any person or persons, also with the mayor and common council of the city of Syracuse, for supplies to be furnished to the poor chargeable to said county as county paupers, and to fix the salary of the overseers of the poor of the city of Syracuse, in the said county, for their personal services in discharging their official duties, so far as relates to the paupers of said city chargeable to the said county of Onondaga. [Sec. 2, of same chap.]

Superintendents of  
the poor a  
subordinate  
board.

§ 181. The superintendents of the poor of the county of Onondaga are hereby constituted a subordinate board, to assist in auditing the poor expenses of said county, and shall be under the direction and control of the board of supervisors of said county. [Sec. 3, of same chap.]

Salary of the  
physician.

§ 182. The board of supervisors of said county shall have power to fix the salary of the physician attending the sick paupers chargeable to said county, and may contract for medical attendance on said county paupers. [Sec. 4, of same chap.]

Superintendents and  
overseers of  
poor not to  
be interested  
in supplies.

§ 183. The superintendents of the county poor-house of the county of Onondaga, the overseers of the poor of the towns and of the city of Syracuse in said county, shall not directly or indirectly be interested in any supplies furnished or ordered by them, or any of them; and no accounts shall be audited by said board of supervisors for services rendered and supplies furnished for the poor of said county, unless the same shall be made out in items with dates, stating the time, and nature of the services rendered, the quantity and quality of the articles furnished, and the time when delivered, duly verified according to the form prescribed by law applicable to accounts audited by boards of supervisors. [Sec. 5, of same chap.]

Superintendents to  
render an  
account of  
moneys re-  
ceived.

§ 184. The superintendents of the county poor-house shall render, under oath, to the supervisors, at their annual meeting, a true and faithful statement of all the moneys received by them from the said county; also, all moneys received from the commissioners of emigration for the support of county paupers; and of all the products raised on the farm belonging to the said county poor-house; also, of what disposition has been made of the same, and whether any labor has been performed by county paupers, or by any property belonging to the

county; and, if so, in what way, and for whose benefit was the same performed. [*Sec. 6, of same chap.*]

§ 185. All provisions of law inconsistent with the provisions of this act are hereby repealed. [*Sec. 7, of same chap.*]

Repeal.

## TITLE II.

### *Of Beggars and Vagrants.*

- Sec. 1. Persons enumerated who are to be deemed vagrants.  
 2. Constables, when required, to carry vagrants before magistrate.  
 3. Authority of magistrate; when to commit vagrant to poor-house, when to jail.  
 4. Children begging, to be sent to poor-house, and may be bound out.  
 5. Persons deemed vagrants in Kings county.  
 6. Duty of constable or other peace officer in relation to vagrants.  
 7. Magistrate may commit persons brought before him to poor-house.  
 8. Persons violating public decency may be convicted and fined.  
 9. Persons complained of may demand to be tried by jury.  
 10. Persons having their faces painted, &c., may be arrested.  
 11. Powers and duties of sheriff or other officer.  
 12. Officers may call on inhabitants to assist in arrest.  
 13. Penalty for neglect.  
 14. Powers of magistrate to arrest certain persons.

§ 1. All idle persons who, not having visible means to maintain themselves, live without employment; all persons wandering abroad and lodging in taverns, groceries, beer-houses, out-houses, market places, sheds or barns, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages, or other public places, to beg or receive alms, shall be deemed vagrants.

Enumera-  
tion of va-  
grants.

§ 2. It shall be the duty of every constable or other peace officer, whenever required by any person, to carry such vagrant before a justice of the peace of the same town, or before the mayor, recorder, or any one of the aldermen of the city in which such vagrant shall be, for the purpose of examination.

To be  
brought be-  
fore magis-  
trates.

§ 3. If such justice or other officer be satisfied by the confession of the offender, or by competent testimony, that such person is a vagrant, within the description aforesaid, he shall make up and sign a record of conviction thereof, which shall be filed in the office of the clerk of the county; and shall, by warrant under his hand,

Proceed-  
ings.



When va-  
grant to be  
sent to coun-  
ty poor-  
house, when  
to jail.

commit such vagrant, if he be not a notorious offender, and be a proper object for such relief, to the county poor-house, if there be one, or to the alms-house or poor-house of such town or city, for any time not exceeding six months, there to be kept at hard labor; or if the offender be an improper person to be sent to the poor-house, then he shall be committed to the bridewell or house of correction of such city or county, if there be one, and if none, to the common jail of such county, for a term not exceeding sixty days, there to be kept, if the justice think proper so to direct, upon bread and water only, for such time as shall be directed, not exceeding one-half the time for which he shall be committed.

Children  
begging,  
how to be  
dealt with.

§ 4. If any child shall be found begging for alms, or soliciting charity from door to door, or in any street, highway or public place of any city or town, any justice of the peace, on complaint and proof thereof, shall commit such child to the county poor-house, if there be one, or to the alms-house or other place provided for the support of the poor, there to be detained, kept, employed and instructed in such useful labor as such child shall be able to perform, until discharged therefrom by the county superintendents of the poor, or bound out as an apprentice by them, or by the commissioners of the alms-house, or the overseers of the poor.

Persons  
deemed va-  
grants in  
Kings coun-  
ty.

§ 5. All persons who, being habitual drunkards, are destitute and without visible means of support, or who, being such habitual drunkards, and being of sufficient ability to support their families, shall abandon, neglect or refuse to aid in the support of their families; all persons who shall have contracted an infectious or other disease in the practice of drunkenness or debauchery, requiring charitable aid to restore them to health; all persons wandering abroad, lodging in watch-houses, out-houses, market places, sheds, stables or uninhabited buildings, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages or other public places, to beg or receive alms, within the said county, shall be deemed vagrants. [Sec. 1, of chap. 174, of 1844.]

§ 6. It shall be the duty of every constable or other peace officer, whenever required by any person, to carry, convey or conduct such vagrant before a justice of the peace of the said county (Kings), or before one of the justices of the municipal court of the city of Brooklyn, for the purpose of examination. [Sec. 2, of same chap.]

Duty of constable or other peace officer.

§ 7. If such magistrate be satisfied, by the confession of the offender, or competent testimony, that such person is a vagrant, within the description aforesaid, he shall make up and sign a record of conviction thereof, which shall be filed in the office of the clerk of the said court, and shall, by warrant, under his hand, commit such vagrant, if not a notorious offender and a proper object for such relief, to the poor-house of the said county for any time not exceeding six months, there to be kept at hard labor; or if the offender be an improper person to be sent to the poor-house, then such person shall be committed for the like time to the county jail, or to the penitentiary of the said county on the county farm. [Sec. 3, of same chap.]

Persons may be committed to poor-house.

Or county jail.

§ 8. Any person who, by drunkenness, shall violate public decency, may be convicted of such offence by any magistrate upon competent testimony, and fined for such offence any sum not exceeding five dollars, and in default of payment of such fine may be committed to prison by such magistrate until the same be paid; but such imprisonment shall not exceed five days. [Sec. 4, of same chap.]

Persons violating public decency.

§ 9. It shall and may be lawful for any person who may be complained of for the offence in the last section specified, before such magistrate shall proceed in the investigation of the merits, to demand of such magistrate that he may be tried by a jury. Upon such demand it shall be the duty of such magistrate to issue a venire to any constable of the said county, or to any marshal of the city where the offence is to be tried, commanding such officer to summon the same number of jurors, and in the same manner, as is provided for summoning of jurors before courts of special sessions. The said magistrate shall proceed to impanel a jury for the trial of said offence in the same manner, and be subject to all the rules and regulations prescribed in the act providing for trials by jury in courts of special sessions. All costs

May demand to be tried by a jury.

consequent upon a trial by such jury shall be added to such fine and paid by the party offending, in case of conviction. [*Sec. 5, of same chap.*]

Persons  
having their  
faces paint-  
ed, &c., may  
be arrested.

§ 10. Every person who, having his face painted, discolored, covered or concealed, or being otherwise disguised in a manner calculated to prevent him from being identified, shall appear in any road or public highway, or in any field, lot, wood or inclosure, may be pursued and arrested in the manner hereinafter provided; and upon being brought before any judge, or other officer hereinafter designated, of the same county where he shall be arrested, and not giving a good account of himself, shall be deemed a vagrant, within the purview of the second title of chapter twenty of the first part of the Revised Statutes; and on conviction, as provided in the said title, shall be committed to and imprisoned in the county jail of the county where such person shall be found, for a term not exceeding six months. And all magistrates, authorized in and by the first section of the second title in the second chapter of the fourth part of the Revised Statutes to issue process for the apprehension of persons charged with any offence, are authorized and required to execute the powers and duties in relation to the offence created by this act which are conferred and imposed on justices of the peace by the said second title of chapter twenty, and all other powers and duties conferred and imposed by this act. [*Sec. 1, of chap. 3, of 1845.*]

Powers and  
duty of  
sheriffs and  
other offi-  
cers.

§ 11. Every sheriff, deputy sheriff, constable, marshal of a city, or other public peace officer, or other citizen of the county where such person or persons shall be found disguised as aforesaid, may, of his own authority, and without process, arrest, secure and convey to any such magistrate, residing in the county where such arrest shall be made, any person who shall be found having his face painted, discolored, covered or concealed, or being otherwise disguised as aforesaid, to be examined and proceeded against in the manner prescribed in the second title of chapter twenty; and it shall be the duty of any sheriff, deputy sheriff, constable, marshal or other peace officer, whenever any of them shall discover any person with his face so painted, discolored, covered or concealed, or being otherwise disguised as aforesaid, immediately to

arrest, secure and convey such person to any such magistrate, to be proceeded with according to law ; and whenever any such officer shall receive credible information of any person having his face so painted, discolored, covered or concealed, or being otherwise disguised as aforesaid, it shall be the duty of every such officer forthwith to pursue such person, and arrest, secure and convey him to any such magistrate. [*Sec. 2, of same chap.*]

§ 12. In the execution of the duties prescribed in the last foregoing section, any sheriff, deputy sheriff, constable, marshal, or other peace officer, shall be authorized to command any male inhabitant of his county, or as many as he shall think proper, to assist him in seizing, arresting, confining and conveying to any such magistrate and committing to the common jail of the county ; every person with his face so painted, discolored, covered or concealed, or being otherwise disguised as aforesaid ; and any inhabitant, so commanded, may provide himself or be provided with such means and weapons as the officer giving such command shall designate. [*Sec. 3, of same chap.*]

Officers may call on the inhabitants for assistance.

§ 13. Every person so commanded, as provided in the last preceding section, who shall refuse or neglect, without lawful cause, to obey such command, shall be deemed guilty of a misdemeanor, and be subject to a fine not exceeding two hundred and fifty dollars, or to imprisonment not exceeding one year, or to both. [*Sec. 4, of same chap.*]

Penalty for neglect.

§ 14. Any magistrate to whom complaint shall be made that any person has appeared in the public highway, or in any lot, field, woods, or inclosure with his face so painted, discolored, covered or concealed, or being otherwise disguised as aforesaid, may, in his discretion, by warrant under his hand, depute and empower any elector of the county to arrest, seize, confine and bring such person before such magistrate, to answer such complaint ; and in any such warrant, or in any other warrant or process against any person charged with having his face so painted, discolored, covered or concealed, or being otherwise disguised as aforesaid, whose name shall not be known, it shall be sufficient to describe the offender by some fictitious name. [*Sec. 5, of same chap.*]

Power of magistrates to arrest certain persons.

## TITLE III.

*Of the safe keeping and care of lunatics, and of the State Lunatic Asylum.*

- Sec. 1. Committees of a lunatic having property, to confine and maintain him.
2. If he has not property, certain relatives to confine and support him.
3. Powers of overseers of poor to compel relatives of lunatic to confine him, &c.
4. Lunatics, how to be secured and where confined.
5. Duty of overseers to procure suitable place for confining lunatics.
6. When lunatics may be confined in jails; but not as disorderly persons.
7. Not to be confined with criminals, nor more than four weeks in a jail.
8. Two justices may apprehend lunatic without application of overseers.
9. Superintendents and overseers may send lunatics to asylum in New-York.
10. Expense thereof and of maintaining lunatic, how defrayed.
11. Penalty for confining lunatics otherwise than as herein directed.
12. Powers of chancellor, respecting lunatics, not to be affected by this title.
13. Proceedings to compel committees of a lunatic to confine and support him.
14. County superintendents to have the same powers as overseers.
15. Duties and powers of treasurer of state lunatic asylum.
16. When indigent lunatic to be sent to asylum; former provisions repealed.
17. Appeals from orders respecting lunatics.
18. Order for confinement of patient, how made, to be filed, &c.
19. Number of patients from each county; their class, how designated.
20. Certain indigent persons, not paupers, to be admitted.
21. Counties, when to support such persons.
22. Patients sent to be cleanly and properly clothed.
23. Provision respecting persons acquitted on trial as being insane.
- 24, 25 & 26. Provision as to persons imprisoned on criminal charges, &c., for misdemeanors, &c.
27. Liability of patient and his committee for support, &c.
28. Charges against certain patients to be paid by county; how collected.
29. Expense of removing patients from asylum, how paid.
30. Expense of supporting patients by counties, how recovered by them.
31. Duty of town assessors and county clerk in furnishing lists of lunatics.
32. When insane persons admitted into asylum from Kings county.
33. When indigent persons, not paupers, may be admitted to asylum.
34. County judge may send lunatic to county poor-house, or asylum, in his discretion.
- 35 & 36. Provisions respecting lunatics in Kings county.

Lunatics  
having  
property to  
be confined,  
&c., by their  
committees.

§ 1. When any person, by lunacy or otherwise, becomes furiously mad, or so far disordered in his senses as to endanger his own person, or the person or property

of others, if permitted to go at large, who is possessed of sufficient property to maintain himself, it shall be the duty of the committee of his person and estate to provide a suitable place for the confinement of such person, and to confine and maintain him in such manner as shall be approved by the overseers of the poor of the city or town.

§ 2. If such person is not possessed of sufficient property to maintain himself, it shall be the duty of the father and mother, and the children of such person, being of sufficient ability, to provide a suitable place for his confinement, and to confine and maintain him in such manner as shall be approved by the overseers of the poor of the city or town.

Not having property, to be confined, &c., by certain relatives.

§ 3. The overseers of the poor shall have the same remedies to compel such relatives to confine and maintain such lunatic or mad person, and to collect the costs and charges of his confinement, as are given by law in the case of poor and impotent persons becoming chargeable to any town.

Duty, how enforced.

§ 4. In case of the refusal or neglect of any committee of such lunatic or mad person, or of his relatives, to confine and maintain such person as aforesaid, or when there is no such committee or relative of sufficient ability, it shall be the duty of the overseers of the poor of the city or town where any lunatic or mad person shall be found, to apply to any two justices of the peace of the same city or town, who, upon being satisfied upon examination that it would be dangerous to permit such lunatic to go at large, shall issue their warrant, directed to the constables and overseers of the poor of such city or town, commanding them to cause such lunatic or mad person to be apprehended and to be safely locked up and confined in such secure place as may be provided by the overseers of the poor, to whom the same shall be directed, within the town or city of which such overseers may be officers, or within the county in which such city or town may be situated, or in the county poor-house in those counties where such houses are established, or in such private or public asylum as may be approved by any standing order or resolution of the supervisors of the county in which such city or town may be situated, or in the lunatic asylum in the city of New-York. [As amended by chap. 218, of 1838.]

Lunatics, how secured)

Qualified by § 20 of chap. 185, of 1842; see post § 16.

Duty of  
overseers.

§ 5. It shall be the duty of the overseers of the poor, to whom such warrant shall be directed, to procure a suitable place for the confinement of such lunatic, as therein directed, pursuant to the preceding section.

How and  
when luna-  
tics may be  
confined in  
jail.

§ 6. No person who, by reason of lunacy or otherwise, is furiously mad, or so far disordered in his mind as to be dangerous if permitted to go at large, shall be committed as a disorderly person to any prison, jail, house of correction, or confined therein, unless an agreement shall have been made for that purpose with the keepers thereof, or in any other way than as is herein directed.

In what  
manner and  
for what  
time to be  
confined.

§ 7. No such lunatic or mad person, or person disordered in his senses, shall be confined in the same room with any person charged with or convicted of any crime, nor shall such person be confined in any jail more than four weeks; and if he continue furiously mad or dangerous, he shall be sent to the asylum in New-York or to the county poor-house or alms-house, or other place provided for the reception of lunatics, by the county superintendents.

Powers of  
two justices  
in securing  
lunatics.

§ 8. Any two justices of the peace of the city or town where any such lunatic or mad person shall be found, may, without the application of any overseers of the poor, and upon their own view, or upon the information or oath of others, whenever they deem it necessary, issue their warrant for the apprehension and confinement of such lunatic or mad person, as aforesaid.

Lunatics  
may be sent  
to New-  
York asy-  
lum.

§ 9. The county superintendents of the poor of any county, and any overseers of the poor of any town, to which any person shall be chargeable, who shall be or become a lunatic, may send such person to the lunatic asylum in the city of New-York, by an order under their hands.

Expense  
thereof, and  
of lunatic's  
support.

§ 10. The expense of sending any lunatic to the asylum at New-York, and of supporting him there, shall be defrayed by the county or town to which he may be chargeable; if chargeable to a county, or to any town whose poor moneys are required to be paid into the county treasury, such expense shall be paid by the county treasurer, out of the funds appropriated to the support of the poor belonging to such county or town, after being allowed and certified by the county superintend-

ents. If such lunatic be chargeable to a town whose poor moneys are not required to be paid into the county treasury, such expense shall be paid by the overseers of the poor thereof.

§ 11. Any overseer of the poor, constable, keeper of a jail, or other person, who shall confine any such lunatic or mad person, in any other manner or in any other place than such as are herein prescribed, shall be deemed guilty of a misdemeanor; and, on conviction, shall be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment not exceeding one year, or to both, in the discretion of the court before which the conviction shall be had.

Penalty for  
confining lu-  
natics, &c.

§ 12. None of the foregoing provisions shall be deemed to restrain or abridge the power and authority of the chancellor, concerning the safe keeping of any lunatics, or the charge of their persons or estates.

Powers of  
chancery  
not to be  
affected.

§ 13. The overseers of the poor of any city or town shall have the same remedies to compel the committee of the estate of any lunatic to confine and maintain such lunatic or mad person, and to collect of such committee the costs and charges of his confinement and support, as are given in the preceding sections against the relatives of such lunatic. And the court of sessions of the city or county shall make orders against such committee personally, and enforce them in the same manner as against the relatives of any poor person, so long as such committee hath any property in his hands for the support of such lunatic.

Committees  
of a lunatic,  
how com-  
pelled to  
confine him,  
&c.

§ 14. The county superintendents of the poor shall have all the powers and authority herein given to the overseers of the poor of any town.

Powers of  
county su-  
perintend-  
ents.

§ 15. The treasurer of the state lunatic asylum shall be vested with the same powers, rights and authority which are now by law given, either to superintendents of the poor or to overseers of the poor, in any county or town of the state, so far as may be necessary for the indemnity and benefit of the asylum, and for the purpose of compelling a relative or committee to defray the expenses of a lunatic's support in the asylum, and reimburse actual disbursements for his necessary clothing and traveling expenses, according to the by-laws of the institution; also for the purpose of coercing the pay-

Treasurer of  
state luna-  
tic asylum  
to have same  
power as su-  
perintend-  
ents and  
overseers of  
the poor in  
certain ca-  
ses.



ment of similar charges when due, according to said by-laws, from any town or city or county that is liable for the support of any lunatic in said asylum. [Sec. 15, of chap. 135, of 1842.]

Lunatic,  
when to be  
sent to asy-  
lum in cases  
hereafter  
occurring.

Repeal.

§ 16. In every case of lunacy hereafter occurring, and provided for by title three, chapter twenty, part first of the Revised Statutes, the lunatic shall be sent within ten days to the state lunatic asylum, or "to such public or private asylum as may be approved by a standing order or resolution of the supervisors of the county;" and the provisions of said title three, allowing other places of confinement beyond ten days, are hereby repealed. The superintendents and overseers of the poor named in the several sections of said title three are severally enjoined to see that this provision be carried into effect in the most humane and speedy manner, as well in case the lunatic or his relatives are of sufficient ability to defray the expenses, as in case of a pauper. [Sec. 20, of same chap.]

Appeal may  
be made  
from order  
of justice or  
overseer.

§ 17. If any lunatic, confined under the statute, title three, last aforesaid, or any friend in his behalf, be dissatisfied with any final decision or order of the justices, or of any overseer or superintendent of the poor, under such statute, he may, within three days after such order or decision, appeal to the county judge of the county, making complaint on oath, and such judge shall thereupon stay his being sent out of the county, and forthwith call a jury to decide upon the fact of lunacy; after a full and fair investigation, aided by the testimony of two respectable physicians, if such jury find him sane, the judge shall forthwith discharge him, otherwise he shall confirm the order for his being immediately sent to an asylum. In case the justices refuse to make an order for confinement, they shall state the reasons for such refusal in writing, so that any person aggrieved thereby may appeal, as above, to a county judge, who shall hear and determine the matter in a summary way, or call a jury, as he may think most fit and proper. In every case of appeal, the judge shall have the same power to take testimony and compel the attendance of witnesses and jurors as a justice has in civil cases. [Sec. 21, of same chap.]

Qualified by  
chap. 445, of  
1861, see  
post sec. 68.

Confinement  
not to be or-  
dered or ap-

§ 18. In every case of "confinement" under the statute, title three, last aforesaid, whether of a pauper or not,

after the passage of this act, neither justices, superintendents or overseers of the poor shall order or "approve" of such confinement without having the evidence of two reputable physicians, under oath, as to the alleged fact of insanity; and such testimony shall be reduced to writing and filed, with a brief report of all the other proofs, facts and proceedings in the case, in the office of the county clerk; and said clerk shall file said papers and register with date, the names and residence of the lunatic and officers severally, in tabular form, in the book of miscellaneous records kept in said office; and the certificate of said clerk, and seal of the court, verifying such facts, shall warrant such lunatic's admission into the asylum. [Sec. 22, of same chap.]

proved of,  
until insan-  
ity is proved.

§ 19. Each county may, at all times, have one indigent insane patient in the asylum, whose disease, at the time of admission, was a first attack and did not exceed six months; and such further number of either old or recent cases as the asylum can accommodate, in proportion to the insane population of the county. The patients shall be designated by the superintendents of the poor, or, if the county has no such superintendents, by the first (county) judge. [Sec. 25, of same chap.]

Number of  
patients al-  
lowed to  
each county.

§ 20. When a person in indigent circumstances, not a pauper, becomes insane, application may be made in his behalf to the first judge of the county where he resides; and said judge shall call two respectable physicians, and other credible witnesses, and fully investigate the facts of the case, and either with or without the verdict of a jury, at his discretion, as to the question of insanity, shall decide the case as to his indigence; and if the judge certifies that satisfactory proof has been adduced showing him insane, and his estate is insufficient to support him and his family (or if he has no family, himself), under the visitation of insanity, on his certificate, authenticated by the county clerk and seal of the county courts, he shall be admitted into the asylum and supported there at the expense of said county until he shall be restored to soundness of mind, if effected in two years. The judge, in such case, shall have requisite power to compel the attendance of witnesses and jurors, and shall file the certificate of the physicians, taken under oath, and other papers, with a report of his proceedings

Certain indigent persons, not paupers, to be admitted.

Qualified by sec. 2, chap. 283, of 1860, see post § 38. Also by chap. 446, of 1861, see post § 84.

and decisions, with the clerk of the county, and report the facts to the supervisors, whose duty it shall be, at their next annual meeting, to raise the money requisite to meet the expenses of support accordingly. [Sec. 26, of same chap.]

Counties to support such persons after six months.

§ 21. When an insane person in indigent circumstances shall have been sent to the asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient and likely to be benefited by remaining in the institution, the supervisors of the county of his residence are authorized and required, upon an application under oath in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there another year, and pay the same to the treasurer of the asylum; and they shall repeat the same for two succeeding years upon like application and the production of a new certificate each year, of like import, from the superintendent. [Sec. 27, of same chap.]

Bodily cleanliness and clothing of patients.

§ 22. All town and county officers sending a patient to the asylum shall, before sending him, see that he is in a state of perfect bodily cleanliness, and is comfortably clothed, and provided with suitable changes of raiment, as prescribed in the by-laws. [Sec. 30, of same chap.]

As to persons acquitted after trial on the ground of insanity.

§ 23. When a person shall have escaped indictments, or shall have been acquitted of a criminal charge upon trial, on the ground of insanity, the court, being certified by the jury or otherwise, of the fact, shall carefully inquire and ascertain whether his insanity, in any degree, continues, and if it does, shall order him in safe custody, and to be sent to the asylum. If such person be sent to the asylum, the county from which he is sent shall defray all his expenses while there, and of sending him back, if returned; but the county may recover the amount so paid from his own estate, if he have any, or from any relative, town, city or county that would have been bound to provide for and maintain him elsewhere. [Sec. 31, of same chap.]

As to persons in confinement or under sentence of imprisonment, &c.

§ 24. If any person in confinement, under indictment, or under sentence of imprisonment, or under a criminal charge, or for want of bail for good behavior, or for keeping the peace, or for appearing as a witness, or in consequence of any summary conviction, or by order of any

justice, or under any other than civil process, shall appear to be insane, the first judge of the county where he is confined, or if the first judge be absent from the county, any county judge of the degree of counselor of the supreme court, shall institute a careful investigation, call two respectable physicians and other credible witnesses, invite the district attorney to aid in the examination, and if he deem it necessary, call a jury, and for that purpose is fully empowered to compel the attendance of witnesses and jurors; and if it be satisfactorily proved that he is insane, said judge may discharge him from imprisonment, and order his safe custody and removal to the asylum, where he shall remain until restored to his right mind; and then, if the said judge shall have so directed, the superintendent shall inform the said judge and the county clerk and district attorney thereof, so that the person so confined may, within sixty days thereafter, be remanded to prison, and criminal proceedings be resumed, or otherwise discharged; or if the period of his imprisonment shall have expired, he shall be discharged. The provisions of the last preceding section, requiring the county to defray the expenses of a patient sent to the asylum, shall be equally applicable to similar expenses arising under this section and the one next following. [Sec. 32, of same chap.]

Qualified by  
chap. 446, of  
1851, see  
post § 34.

§ 25. If a person imprisoned on attachment, or on any civil process, or for the non-payment of a militia fine, becomes insane, one of the judges mentioned in the last preceding section of this act shall institute like proceedings in his case as are required in the case provided for in said section; but notice shall in such case be given, by mail or otherwise, to the plaintiff or his attorney, if in the state; and if it shall be proved to the satisfaction of said judge that the prisoner is insane, he may discharge him from imprisonment, and order him into safe custody, and to be sent to the asylum; nevertheless, the creditor may renew his process, and arrest again his debtor when of sound mind. [Sec. 33, of same chap.]

As to persons imprisoned on attachment, &c.

§ 26. Persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody and sent to the asylum, in the same way as persons charged with crime. [Sec. 34, of same chap.]

Persons charged with misdemeanors and acquitted.

Liability of  
persons sup-  
ported.

§ 27. Every insane person supported in the asylum shall be personally liable for his maintenance therein, and for all necessary expenses incurred by the institution in his behalf; and the committee, relative, town, city or county that would have been bound by law to provide for and support him if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing and maintenance in the asylum, and actual necessary expenses to and from the same. [Sec. 36, of same chap.]

Certain pa-  
tients to be  
supported by  
counties.

§ 28. The expenses of clothing and maintaining in the asylum a patient who has been received upon the order of any court, or officer, shall be paid by the county from which he was sent to the asylum. The treasurer of said county is authorized and directed to pay to the treasurer of the asylum the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the asylum, upon the order of the steward; and the supervisors of said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance. Said county, however, shall have the right to require any individual, town, city or county, that is legally liable for the support of such patient, to reimburse the amount of said bills, with interest from the day of paying the same. [Sec. 37, of same chap.]

Expense of  
removing  
certain pa-  
tients from  
the asylum,  
how paid.

§ 29. Whenever the managers shall order a patient removed from the asylum to the poor-house of the county whence he came, the superintendents of the poor of said county shall audit and pay the actual and reasonable expenses of such removal, as part of the contingent expenses of said poor-house; but if any town, or person, be legally liable for the support of such patient, the amount of such expenses may be recovered for the use of the county by such superintendents. If such superintendents of the poor neglect or refuse to pay such expenses on demand, the treasurer of the asylum may pay the same and charge the amount to the said county; and the treasurer of the said county is authorized to pay the same, with interest, after thirty days, and the supervisors of the said county shall levy and raise the amount as other county charges. [Sec. 38, of same chap.]

Expenses of  
supporting  
lunatics,

§ 30. Every town or county paying for the support of a lunatic in the asylum, or for his expenses in going to

or from the same, shall have the like rights and remedies to recover the amount of such payments, with interest from the time of paying each bill, as if such expenses had been incurred for the support of the same, at other places, under existing laws. [Sec. 39, of same chap.]

how recovered.

§ 31. It shall be the duty of the assessors in each town and ward in the state, every year, to make diligent inquiry, and ascertain, with accuracy, the number and names of all insane persons in said town or ward; and to make a list of the same, with the best account they can get, in each case, of the patient's age, general health, habits and occupation, kind, degree and duration of insanity, and pecuniary ability of self and relatives liable for his support. They shall send this list, with all the facts brought down to the latest period, to the clerk of the county, by the first day of August, who shall carefully condense the facts exhibited, and mail the same to the treasurer of the asylum at Utica, without delay. No county clerk shall receive any compensation for any services performed under this act. [Sec. 44, of same chap.]

Assessors to ascertain the number of insane persons yearly.

§ 32. Hereafter no insane person or lunatic, being in indigent circumstances, and whose maintenance or support shall be chargeable or likely to become chargeable to the county of Kings, shall be admitted into the state lunatic asylum upon the order of any court, justice, judge or supreme court commissioner, or upon the authenticated certificate of the first judge of the said county of Kings, unless such order or certificate shall be accompanied by the written designation or approbation of the superintendents of the poor of the said county, anything contained in any law of this state to the contrary thereof notwithstanding. [Sec. 1, of chap. 357, of 1845.]

Insane persons, when admitted to state asylum from Kings county.

§ 33. No person in indigent circumstances, not a pauper, shall be admitted into the asylum on the certificate of a county judge, made under and pursuant to the provisions of the twenty-sixth section of the act to organize the state lunatic asylum, and more effectually to provide for the care, maintenance and recovery of the insane, passed April 7, 1842, unless such person has become insane within one year next prior to the granting of such certificate by the county judge; and it shall be the duty of said judge, when an application is made to him pur-

Indigent persons not paupers, when to be admitted.

Judge to  
give notice  
of applica-  
tion to su-  
perintend-  
ent of poor.

suant to said twenty-sixth section of said act, to cause such reasonable notice thereof, and of the time and place of hearing the same, to be given to one of the superintendents of the poor of the county chargeable with the expense of supporting such person in the asylum, if admitted, or if such expense is chargeable to a town or city, then to an overseer of the poor of such town or city as he may judge reasonable under the circumstances; and he shall then proceed to inquire as to the time when such person became insane, and shall, in addition to the requirements of said twenty-sixth section, state in his certificate that satisfactory proof has been adduced before him that such person became insane within a year next prior to the date of his certificate. On granting such certificate, the judge may, in his discretion, require the friends of the patient to give security to the superintendent of the poor of the county to remove the patient from the asylum at the end of two years, in case he does not sooner recover. When a patient who is admitted into the asylum on the certificate of a county judge, given pursuant to the twenty-sixth section of the aforesaid act, has remained in the asylum two years, and has not recovered, the superintendent of the asylum shall send notice, by mail, to the overseer of the poor of the town where the patient resided at the time of his admission into the asylum, or to the county judge of the county from which he was sent, that such patient has remained two years in the asylum and has not recovered, and that he should be removed from the asylum, and that in case he is not removed, the expense of his support will be chargeable to the county until he is so removed, and then such expense shall be chargeable to the county accordingly. But in every case where a patient admitted into the asylum, pursuant to the provisions of the twenty-sixth section of said act, shall have remained there two years, and has not recovered, the managers of the asylum may, in their discretion, cause such patient to be returned to the county from which he came, and charge the expense of such removal to the county. [Sec. 2, chap. 282, of 1850.]

Lunatic  
may be sent  
to county  
poor-house  
or asylum, in

§ 34. The county judge of each of the counties of this state is hereby authorized to send all such indigent lunatics, belonging to each county, as may be brought

before him, either to the county poor-house or to the state lunatic asylum, as in his judgment may be for the best interests of all concerned. [*Chap. 446, of 1851.*]

discretion of  
county  
judge.

§ 35. If any lunatic patient, heretofore received and admitted into the lunatic asylum on the county farm in the county of Kings, as a pauper lunatic, or who may hereafter be received and admitted into the said asylum as such pauper lunatic, be entitled to or possess wages, money on deposit, or other personal property, or who may, during his or her continuance in the said asylum, become entitled to or possessed of wages, money on deposit, or other personal property, it shall be lawful for the superintendents of the poor of the said county to ask, demand, settle, sue for, recover and receive all such wages, money on deposit, or other personal property, and on the receipt or recovery thereof, to give proper acquittances and sufficient discharges for the payment or delivery of the same; and, when so received or recovered, to appropriate and apply the same for and towards the expenses which have been incurred, or which may be incurred by the said superintendents of the poor, in the maintenance and support of such pauper lunatic, in such manner as they may deem proper. And it shall be the duty of the said superintendents of the poor to render to the board of supervisors of the said county, at their annual meeting, an account of all wages, money on deposit, or other personal property, as aforesaid, by them received and expended, and for and on whose account so received and expended, or under their direction, during the year preceding such annual meeting. [*Sec. 8, of chap. 174, of 1844.*]

Provision  
respecting  
lunatics in  
Kings coun-  
ty.

§ 36. All the provisions contained in the preceding eighth section of this act, relative to pauper lunatics, shall also be applicable to any poor and impotent person chargeable, or becoming chargeable, to the said county of Kings; and the superintendents of the poor of the said county shall have and possess the same powers and remedies, as therein set forth and expressed, for the maintenance and support of every such poor and impotent person who may be under their charge. [*Sec. 9, of same chap.*]

Poor and  
impotent  
persons.



## TITLE IV.

*Of the care of habitual drunkards.*

- Sec. 1 and 2. Powers of overseers of poor to forbid sale or delivery of liquor to drunkards.  
 3, 4 and 5. Penalty for selling, &c., contrary to notice, except ordered by a physician.  
 6. Person designated as a drunkard may contest the fact.  
 7, 8 and 9. Proceedings to try and determine the fact.  
 10. Effect of verdict of jury.  
 11 and 12. Costs for and against overseers, when to be allowed; how collected.  
 13. Accounts of overseers for services, how allowed and paid.  
 14. When overseers may revoke notice given by them or their predecessors.

Delivery of  
liquor to  
drunkards,  
how prohibi-  
ted.

§ 1. Whenever the overseers of the poor of any city or town shall discover any person to be an habitual drunkard, they may, by writing under their hands, designate and describe such drunkard, and, by written notice signed by them, require every merchant, distiller, shop keeper, grocer, tavern keeper, or other dealer in spiritous liquors, and every other person, residing within the city or town where such drunkard shall reside, or in any other city or town near to or adjoining such city or town, not to give, or sell under any pretence, any spiritous liquors to such drunkard.

Duty of  
overseers of  
the poor.

§ 2. Whenever the overseers of the poor of any city or town shall discover any person to be an habitual drunkard, they shall, by writing under their hands, designate and describe such drunkard, and perform all the services and duties mentioned and specified in section first of title four of chapter twenty of the first part of the Revised Statutes. [Sec. 3, of chap. 229, of 1840.]

Penalty for  
disobeying  
notice.

§ 3. [Sec. 2.] If, after the personal service of such notice, any such person shall knowingly give, or sell in any manner whatever, spiritous liquors to any such drunkard, except by the personal direction or on the written certificate of some physician, regularly licensed to practice, according to the laws of this state, stating that such liquor is necessary for the preservation or recovery of the health of such drunkard, he shall forfeit for every offence the sum of ten dollars, for the use of the poor of the town where such drunkard resides.

§ 4. Every person upon whom the notice mentioned in section first, title four, chapter twenty, first part of the Revised Statutes, has been served, shall be liable to the forfeiture prescribed in the second section of the same title, whenever any clerk, agent, or member of the family of such person shall knowingly give or sell, in any manner whatever, spiritous liquors to any person designated as an habitual drunkard, in the manner mentioned in said first section, except by the personal direction, or on the written certificate, of some physician, stating that such liquor is necessary for the preservation or recovery of the health of such drunkard, as prescribed in such second section. [Sec. 1, of chap. 229, of 1840.]

Penalty  
on clerk,  
agent, &c.,  
of person  
receiving  
notice.

§ 5. Where the parents or guardian of a minor under sixteen years of age, or the master of an apprentice or servant, have been designated by the overseers of the poor as habitual drunkards, no tavern keeper, grocer, or other person licensed to sell any strong or spiritous liquors or wines, shall sell any such liquors or wines to any such minor or apprentice or servant, without the consent of the overseers of the poor of the city or town where such minor or apprentice or servant shall reside; and whoever shall offend against the provisions of this section, shall forfeit the penalty prescribed by section seventeen of title nine of chapter twenty of the first part of the Revised Statutes, to be recovered by such overseers of the poor. [Sec. 2, of same chap.]

§ 6. [Sec. 3.] Any person so designated by the overseers of the poor as an habitual drunkard, may apply to any justice of the peace of the city or town in which the person so designated resides, for process to summon a jury to try and determine such fact of drunkenness.

Charge may  
be contested.

§ 7. [Sec. 4.] On such application, the justice shall immediately give notice thereof, in writing, to the overseers of the poor, specifying the time and place where the parties shall meet for the trial of such fact, and shall issue a venire to any constable to summon a jury of twelve persons, competent to serve on juries, to appear at the said time and place, for the purpose of trying the said fact.

Proceedings

Venire.

§ 8. [Sec. 5.] Such jury shall be summoned, returned, and six of them shall be balloted for by such justice, and

Id.

- shall be sworn well and truly to try the fact of the alleged drunkenness, in the same manner as for the trial of issues in suits brought before a justice of the peace; and witnesses shall be summoned, and their attendance and testimony enforced; and they shall be sworn and examined before the said jury in like manner.
- Jury.** § 9. [Sec. 6.] The said jury shall hear the allegations and proofs offered on both sides, and shall proceed in all respects as in trials at law to render their verdict; which verdict shall be entered by such justice in a book, to be by him provided for that purpose.
- Id.**
- Jury.** § 10. [Sec. 7.] The said verdict, or an attested copy thereof, under the hand of such justice, shall be received and deemed to be presumptive evidence of the fact thereby found, in any action between the overseers of the poor and any person prosecuted by them for the penalty hereinbefore imposed.
- Effect of a verdict.**
- Costs.** § 11. [Sec. 8.] If by the verdict of the jury it shall be found that the person demanding such trial is an habitual drunkard, the justice shall enter judgment against such person, and award execution for the costs of the overseers of the poor in attending such trial, in the same manner as in suits between individuals, which justices of the peace are authorized to try and determine.
- Id.** § 12. [Sec. 9.] If it be found that such person is not an habitual drunkard, such justice shall in like manner enter judgment and award execution for the costs of such person, against the said overseers, unless it shall appear to such justice that the said overseers acted in good faith, and had reasonable cause to believe such person an habitual drunkard; in which case no costs shall be awarded against them, but each party shall pay their own costs.
- Overseers, how paid for services.** § 13. [Sec. 10.] The accounts of the overseers of the poor, for the expense of defending against any such application, shall be audited and allowed in the same manner as the other expenses of such city or town.
- When notice may be revoked.** § 14. [Sec. 11.] If at any time the overseers of the poor shall be satisfied that such drunkard has reformed and become temperate, they may revoke and annul any such notice given by them or any of their predecessors in office.

## TITLE V.

*Of Disorderly Persons.*

- Sec.** 1. Disorderly persons enumerated.  
 2. Proceedings against them; surety for good behavior, when to be required.  
 3. What acts to be deemed breaches of recognizance for good behavior.  
 4. Recognizance, when and how prosecuted; recovery, how applied.  
 5. Court before which recovery had may require new sureties or commit to jail.  
 6. When and by whom persons committed for want of sureties may be discharged.  
 7. List of disorderly persons committed to be laid before general sessions.  
 8. Court to inquire into each case and hear proofs.  
 9. Court may discharge, or authorize the binding out of disorderly persons.  
 10. Court may commit to prison; duration of imprisonment, &c.  
 11. When materials, &c., to be bought and disorderly persons compelled to work.  
 12. Expense of materials, &c., how defrayed.  
 13. Proceeds of labor, how disposed of and accounted for.  
 14. Certain persons in Kings co. declared to be disorderly persons.  
 15. Sureties may be required for their good behavior.

§ 1. All persons who threaten to run away and leave their wives or children a burthen on the public; all persons pretending to tell fortunes, or where lost or stolen goods may be found; all common prostitutes, all keepers of bawdy houses or houses for the resort of prostitutes, drunkards, tipplers, gamesters, or other disorderly persons; all persons who have no visible profession or calling to maintain themselves by, but who do, for the most part, support themselves by gaming; all jugglers, common showmen and mountebanks, who exhibit or perform for profit any puppet show, wire or rope dance, or other idle shows, acts or feats; all persons who keep in any public highway or place, or in any place where spiritous liquors are sold, any keno table, wheel of fortune, thimbles, or other table, box, machine, or device for the purpose of gaming; all persons who go about with such table, wheel, or other machine or device, exhibiting tricks or gaming therewith; all persons who play in public streets or highways, with cards, dice or any other instrument or device for gaming; shall be deemed disorderly persons.

Enumera-  
tion of dis-  
orderly per-  
sons.

Proceedings  
against  
them.  
28 Wen., 47.  
6 Hill, 75.

Surety for  
good beha-  
vior.

Record of  
conviction  
and com-  
mitments.

Breaches of  
recogni-  
zance.

Consequen-  
ces of re-  
covery.

Two justices  
may dis-  
charge in,  
certain  
cases.  
28 Wen., 47.

§ 2. Upon complaint made on oath to any justice of the peace against any person as being disorderly, he shall issue his warrant for the apprehension of the offender, and cause him or her to be brought before such justice for examination. If it shall appear by the confession of the offender, or by competent testimony, that he or she is a disorderly person, the justice may require of the offender sufficient sureties for his or her good behavior for the space of one year. In default of such sureties being found, the justice shall make up, sign and file in the county clerk's office, a record of the conviction of such offender as a disorderly person, specifying generally the nature and circumstances of the offence, and shall, by warrant under his hand, commit such offender to the common jail of the city or county, there to remain until such sureties be found, or such offender be discharged according to law.

§ 3. It shall be deemed a breach of such recognizance for any person so bound on account of being a gamester, at any one time or sitting, to play or bet for any money or other thing exceeding the sum or value of two dollars and fifty cents. In all other cases, the committing any of the acts which constituted the person so bound a disorderly person, shall be deemed a breach of the condition of such recognizance.

§ 4. If any breach of such recognizance for good behavior happen, such recognizance shall be prosecuted at the instance of any overseer of the poor, county superintendent of the poor or justice of the peace; and the penalty, when collected, shall be paid into the county treasury, for the benefit of the poor of such county.

§ 5. Upon a recovery being had, upon any such recognizance, the court before which it shall be had may, in its discretion, either require new sureties for good behavior to be given, or may commit the offender to the common jail of the city or county, for any term not exceeding six calendar months.

§ 6. Any person committed to the common jail for not finding sureties for good behavior, may be discharged by any two justices of the peace of the county, upon giving such sureties for good behavior as were originally required from such offender.

§ 7. It shall be the duty of the keeper of every jail to lay before the court of sessions, on the first day of its meeting next after the commitment of any disorderly person, a list of the persons so committed and then in his custody, with the nature of their offences, the name of the justice committing them, and the time of imprisonment.

Jail keeper  
to exhibit  
lists, &c., to  
general  
sessions.

§ 8. The court of sessions shall inquire into the circumstances of each case, and hear any proofs that may be offered, and shall examine the record of conviction, which shall be deemed presumptive evidence of the facts therein contained until disproved.

Duty of  
court.

§ 9. The court may discharge such disorderly person from confinement, either absolutely or upon receiving sureties for his or her good behavior, in its discretion; or the said court may, in its discretion, authorize the county superintendents of the poor, or the overseers of the poor of any town, or the commissioners of any alms-house, to bind out such disorderly persons as shall be minors, in some lawful calling, as servants, apprentices, mariners, or otherwise, until they shall be of full age respectively; or to contract for the service of such disorderly persons as shall be of full age, with any person, as laborers, servants, apprentices, mariners, or otherwise, for any term not exceeding one year; which binding out and contracts shall be as valid and effectual as the indenture of any apprentice, with his own consent and the consent of his parents, and shall subject the persons, so bound out or contracted, to the same control of their masters respectively, and of the court of sessions as if they were so bound as apprentices.

Court may  
discharge,  
or authorize  
binding out.

§ 10. The said court may, in its discretion, order any such disorderly person to be kept in the common jail for any term not exceeding six months at hard labor; or may direct that, during any part of the time of imprisonment, not exceeding thirty days, such offender shall be kept on bread and water only.

Effect of in-  
dentures.

May commit  
to jail.

§ 11. If there be no means provided in such jail for employing offenders at hard labor, the court may direct the keeper thereof to furnish such employment as it shall specify, to such disorderly persons as shall be committed thereto, either by a justice or any court; and for

Disorderly  
persons may  
be compell-  
ed to work,  
&c.

that purpose to purchase any necessary raw materials and implements, not exceeding in amount such sum as the court shall prescribe, and to compel such persons to perform such work as shall be so allotted to them.

Expense,  
how de-  
frayed.

§ 12. The expenses incurred in pursuance of such order shall be paid to the keeper by the county treasurer, on the production of the order of the court, and an account of the materials purchased, verified by the oath of the keeper.

Disposition  
of proceeds;  
accounting  
for.

§ 13. The keeper shall sell the produce of such labor, and shall account for the first cost of the materials purchased, and for one-half of the surplus, to the board of supervisors, and pay the same into the county treasury; and the other half of such surplus shall be paid to the person earning the same, on his or her discharge from imprisonment. The keeper shall account to the court, whenever required, for all materials purchased, and for the disposition of the proceeds of the earnings of such offenders.

Persons who  
have aban-  
doned their  
wives or  
children in  
Kings co.,  
declared to  
be disorder-  
ly persons.

§ 14. All persons who may have actually abandoned their wives or children in the county of Kings, without adequate support and in danger of becoming a burthen upon the public, or who may neglect to provide for their wives and children, are hereby declared to be disorderly persons within the meaning of title fifth of chapter twentieth of the first part of the Revised Statutes, and may be proceeded against as such in the manner directed by the said title; and it shall be the duty of the magistrate before whom any such person may be brought for examination, to judge and determine, from the facts and circumstances in the case, whether the conduct of any person amounts to such desertion or neglect to provide for his wife or children. [Sec. 6, of chap. 174, of 1844.]

Surety may  
be required  
for good be-  
havior.

§ 15. In all complaints before any magistrate in the county of Kings, for disorderly conduct, it shall be lawful for such magistrate, if, in his opinion, such disorderly conduct tends to a breach of the peace, to require the party against whom such may be proved, either by his or her own confession, or by competent testimony, to give sufficient surety or sureties for his or her good behavior for any term not exceeding twelve months; and the magistrate who may have required such surety or sureties may, in his discretion, at any time discharge the same. [Sec. 7, of same chap.]

## TITLE VI.

*Of the Support of Bastards.*

- Sec. 1. Who are to be deemed bastards.
2. To be supported by father and mother, or by county or town.
3. Penalty for removing mother of bastard; how supported after removal.
4. Mother and child, paupers; proceedings against county or town from which she was removed.
5. Superintendents and overseers to institute proceedings to compel support of bastards.
6. Justice to ascertain father of bastard, and issue a warrant.
7. Proceedings when father out of the county; endorsement of warrant, &c.
8. Justice endorsing warrant may take one of two bonds, from father.
9. Proceedings upon bond being executed.
10. Upon failure to execute bond, father to be carried before justice issuing warrant.
11. Who shall associate another justice; their duties and powers.
12. When and for what time proceedings may be adjourned.
13. Powers and duties of justices, on hearing.
14. Person adjudged to be father, to pay costs and enter into bond.
15. On executing bond, to be discharged; on failure, to be committed.
16. Amount of penalty in bonds for appearance of father.
17. Father to remain in custody during examination; when and how imprisoned.
18. Proceedings when bond given by father out of the county.
19. In what cases examination to be had in presence of father.
20. Mother of bastard, how compelled to disclose the name of father.
21. In what cases, and how, mother compelled to support bastard.
22. Proceedings in case of her refusal to obey order for support.
23. When amount ordered to be paid may be reduced; when it may be increased.
24. Appeals from determinations of justices; notice thereof.
25. Justice not to sit in sessions on appeals from his order.
26. Bonds for appearance, orders, &c., when to be transmitted to sessions.
27. Subpenas to be issued for parties in appeal; effect thereof.
28. Proceedings of court on appeal; testimony of mother.
29. Court may quash, affirm, or vary orders, and may adjourn hearing.
30. In what cases father to be discharged from custody or from bond.
31. Proceedings by sessions on affirming order for filiation.
32. Father neglecting to give bond as required, to be committed.
33. When bond for appearance of father at court to be forfeited.
34. Duty of sessions; when mother bound to appear, &c.
35. In what cases order against mother may be confirmed or varied, or discharged.
36. If order be affirmed, proceedings to compel obedience.
37. & 38. Costs on appeal, how awarded and collected.
39. Original order of filiation, when to be made by court, &c.
40. Proceedings by justices, on order of filiation being quashed for informality.
41. Court to inquire into circumstances of father or mother imprisoned.
42. In what cases to order discharge of father or mother.
43. Notice to be given to superintendents or overseers, before discharge.



- Sec. 44. Persons imprisoned under this title, not entitled to discharge under insolvent act.
45. Bonds for appearance to be signed and transmitted to court.
46. How to be prosecuted on forfeiture; recovery, how to be paid and applied.
47. By whom bonds for support of bastard to be prosecuted, on breach.
48. Proceedings thereon; what to be deemed breaches thereof.
49. Proceedings for subsequent breaches; recovery, how applied.
50. Costs on recovery by defendant, how collected.
51. Actions for expense of bastard, &c., may be brought, although there is a bond.
52. Proceedings against father or mother of bastard absconding, &c.
53. Poor mother and bastard, how to be supported.
54. Mother and child not to be removed without her consent.
55. Overseers to notify superintendents of cases of bastardy, when county chargeable.
56. Duty of superintendents to provide for mother and child.
57. Until taken charge of by superintendents, to be supported by overseers.
58. Overseers of towns to support bastard and mother, whether chargeable or not.
59. Moneys received by overseers from parents of bastard, how applied, &c.
60. Such moneys received on account of bastard chargeable to county to be paid over.
61. Disputes concerning settlement of bastard, how determined.
- 62, 63 & 64. Proceedings when bastard is chargeable to another town.
65. Mode of ascertaining sum to be allowed for support of bastard, &c.
66. When mother and child to be removed to county poor-house.
67. Penalty on superintendents and overseers for neglect to support bastards, &c.
68. Compromise with putative fathers may be made in New-York.
69. May be made by county superintendents of the poor.
70. Amount received on compromise may be paid to mother on her giving security.
71. If security not given, mother to receive weekly allowance for nursing child.
72. Penalty on constable, &c., for neglect to deliver over bonds.
73. Justice not liable for endorsing warrants under this title.
74. Provision in case of death, absence, &c., of justice issuing a warrant.
75. Proceedings in certain counties and cases.

Who are  
bastards.

§ 1. Every child shall be deemed a bastard within the meaning of this title, who shall be begotten and born :

1. Out of lawful matrimony.
2. While the husband of its mother continued absent out of this state, for one whole year previous to such birth, separate from its mother, and leaving her during that time continuing and residing in this state.
3. During the separation of its mother from her husband, pursuant to a decree of any court of competent authority.

§ 2. The reputed father and the mother of every bastard shall be liable for its support; in their default or inability, it shall be supported by the county or town in which it shall be born, as hereinafter provided.

How supported.

§ 3. If the mother of any bastard, or of any child likely to be born a bastard, shall be removed or clandestinely brought, or enticed to remove, into any county, from any other county of this state, for the purpose of avoiding the charge of such bastard or child upon the county or any town from which she shall have been so brought or enticed to remove, the same penalties shall be imposed on every person so bringing, removing or enticing such mother to remove, as are provided in the case of the clandestine or fraudulent removal of a pauper. Such mother, if unable to support herself, shall be supported during her confinement and recovery therefrom, and her child shall be supported, by the county superintendents of the poor of the county where she shall be, if no provision be made by the father of such child.

Removal of mother prohibited; how supported after removal.

§ 4. Such mother and her child shall in all respects be deemed paupers; and the same proceedings may be had by the county superintendents to charge the town or county from which she was removed or enticed, for the expense of supporting her and her child, as are provided in the case of paupers fraudulently or clandestinely removed; and an action may be maintained in the same manner for the said expenses, and for all expenses properly incurred in securing the father of such child, or in seeking to compel its support by such father or its mother.

Proceedings to compel support of mother and child by town or county from which they were removed.

§ 5. If any woman shall be delivered of a bastard child, which shall be chargeable or likely to become chargeable to any county, city or town; or shall be pregnant of a child likely to be born a bastard, and to become chargeable to any county, city or town; the superintendents of the poor of the county, or any of them, or the overseers of the poor of the town or city, or any of them, where such woman shall be, shall apply to some justice of the peace of the same county to make inquiry into the facts and circumstances of the case.

Duty of superintendents and overseers.  
10 John., 98.

§ 6. Such justice shall, by examination of such woman on oath, and upon such other testimony as may be offered, ascertain the father of such bastard, or of such child likely to be born a bastard; and shall thereupon issue his

Proceedings of justice to ascertain father.

warrant, directed to any constable of the county, commanding him forthwith to apprehend such reputed father, and to bring him before such justice, for the purpose of having an adjudication respecting the filiation of such bastard, or of such child likely to be born a bastard.

Proceedings  
against fa-  
ther out of  
the county.

§ 7. If the person charged as such reputed father shall be or reside in any other county of the state than that in which such warrant issued, the justice issuing the same shall, in writing thereon, direct the sum in which any bond shall be taken of the person so charged; and it shall be the duty of the constable, or other proper officer having the same, to carry it to some justice of the city or county wherein such person resides, or can be found. The justice to whom the same shall be presented, on proof being made to him of the handwriting of the justice who issued such warrant, shall endorse his name thereon, with an authority to arrest such person in the county where the justice so endorsing shall reside; which shall be a sufficient authority to the person bringing such warrant, and to all others to whom it was originally directed, to execute the same in the county where it was endorsed.

Endorse-  
ment of  
warrant.

Bond to be  
taken by  
justice en-  
dorsing war-  
rant.  
13 Wen, 598.  
1 Hill, 298.  
5 Hill, 647.

§ 8. Upon the person so charged being apprehended, he shall be carried before the justice who endorsed the said warrant, or some other justice of the same county, who may take from such person a bond to the people of this state, with good and sufficient sureties in the sum so directed on the said warrant, with condition to indemnify the county, and town, or city where the said bastard shall have been born, or where the woman likely to have such bastard shall be, and every other county, town or city which may have incurred any expense or may be put to any expense for the support of such child, or of its mother during her confinement and recovery therefrom, against all such expenses, and to pay the costs of apprehending such father, and any order of filiation that may be made; or such justice may take from the person so charged and apprehended, a bond as aforesaid, in the sum directed on the said warrant, with good and sufficient sureties, conditioned that such person will appear at the next court of sessions to be holden in the county where such warrant was originally issued, and not depart the said court without its leave.<sup>1</sup>

(1) See note, page 95.

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§ 9. Upon a bond being so entered into, with either of the conditions aforesaid, the justice taking the same shall discharge the person so apprehended from the arrest, and shall endorse upon the warrant a certificate to that effect. He shall deliver the warrant, with the bond so taken by him, to the constable who brought such warrant, who shall deliver the same to the justice who granted the same, who shall proceed thereupon in the same manner as if such bond had been taken by him.

Proceedings upon bond being executed.

§ 10. If the person so charged and apprehended shall not execute the bond so required, with one or other of the conditions aforesaid, to the satisfaction of the justice before whom he shall be brought, then the constable or other proper officer having such warrant, shall take the person so apprehended before the justice who originally issued such warrant.

Id. upon failure to execute bond.

§ 11. Upon the person so charged with being the father of such bastard, or of such child likely to be born a bastard, being brought before the justice who issued the warrant for his apprehension, whether he was arrested in the same or in any other county, the said justice shall immediately call to his aid any other justice of the same county; and the said two justices shall proceed, without unnecessary delay, to make examination of the matter, and shall again examine the mother of such bastard, or the woman so pregnant as aforesaid, on oath, in the presence of the person so charged or apprehended, touching the father of such child, and shall hear any proofs that may be offered in relation thereto; and on the application of the person so charged, or of the persons appearing in behalf of the public, either of the said justices shall issue a subpoena to compel the attendance of witnesses before them, which may be enforced, and the witnesses may be compelled to appear and testify, in the same manner as in any civil cause, before a justice of the peace.

Justice to associate another.

Proceedings by them.

§ 12. If the said justices shall not be prepared to proceed, or the person charged shall require delay, and give sufficient reasons therefor, they may adjourn such examination for any time not exceeding six weeks, and shall take a bond, with sureties, from such person for his appearance at such time, before them, in the penalty hereinafter directed.

Adjournment of proceedings.

Proceedings  
and determi-  
nation of  
justices on  
hearing.  
19 Wen., 155,  
reversed in  
5 Hill, 448.

§ 13. The said justices shall determine who is the father of such bastard, or of such child likely to be born a bastard, and shall proceed as follows:

1. If they determine that the person so charged and apprehended is not the father of such bastard, or child, he shall be forthwith discharged.

2. If they determine that he is such father, they shall make an order of filiation, in which they shall specify the sum to be paid weekly, or otherwise, by such putative father, for the support of such bastard, or of such child likely to be born a bastard.

3. If the mother of such child be in indigent circumstances, they shall determine the sum to be paid by such putative father, for the sustenance of such mother during her confinement and her recovery therefrom.

4. They shall certify the reasonable costs of apprehending and securing the said father and of the order of filiation.

5. They shall reduce their proceedings to writing and subscribe the same.

Costs to be  
paid by per-  
son adjudg-  
ed reputed  
father, and  
bond to be  
entered into.  
1 John., 486.  
15 do 208.  
8 do 623.

§ 14. Such person, so adjudged to be the reputed father, shall, upon notice of such order, immediately pay the amount so certified for the costs of apprehending him, and of the order of filiation, and shall enter into a bond to the people of this state, in such sum as such justices shall direct, with good and sufficient sureties, to be approved by them, with one or other of the following conditions: First, that such person will pay weekly, or otherwise, as shall have been ordered, such sum for the support of the said child, and for the sustenance of its mother as aforesaid, as shall have been ordered, or shall at any time thereafter be ordered by the court of sessions of the same county; and that he will fully and amply indemnify the county and town, or city where the said bastard shall have been born, or where the woman likely to have such bastard shall be, and every other county, town or city which may have incurred any expense, or may be put to any expense for the support of such child, or its mother, during her confinement and recovery therefrom, against all such expenses: Or, second, that such person will appear at the next court of sessions of the said county, and not depart the said court, without its leave.

§ 15. Upon such bond being executed to the satisfaction of the justices, they shall discharge such person from his arrest. But if he refuse or neglect to execute a bond, with one of the conditions aforesaid, or to pay the costs and charges so certified, he shall be committed by such justices, or either of them, to the common jail of the city or county, by warrant, there to remain until discharged by the court of sessions, or until he shall execute such bond in the penalty which shall have been required by the justices.<sup>1</sup>

When father  
to be dis-  
charged;  
when to be  
committed.

§ 16. The penalty of every bond which shall be taken for the appearance of any such reputed father, either before justices of the peace, or at the court of sessions, shall, in all cases, be such a sum as shall be deemed a full indemnity for the expense of supporting such bastard and its mother, as before provided.

Penalty of  
certain  
bonds.

§ 17. During such examination, and until such person shall be discharged by the justices aforesaid, he shall remain in custody of the constable who apprehended him, unless a bond shall have been taken for his appearance as herein provided; and when committed to any jail, he shall be confined therein without being let to bail and without being entitled to the liberties thereof.

Father, how  
disposed of  
during ex-  
amination,  
&c.

§ 18. When any bond taken out of the county as aforesaid, by which the person charged shall be bound to appear at the next court of sessions, shall be returned to the justice who issued the warrant, such justice shall, in like manner, call in the aid of another justice of the peace of the same county; and the said two justices shall proceed, in manner aforesaid, to examine and determine who is the father of such bastard, or of such child likely to be born a bastard; and shall make an order of filiation, and prescribe the sum to be paid by such putative father for the support of such child, and for the sustenance of the mother as aforesaid; and shall certify the reasonable costs of apprehending the said father and of the order of filiation.

Proceedings  
in case of  
bond given  
out of the  
county.  
18 Wen., 598.

§ 19. Such examination and order may be made in the absence of the person so charged, unless before the same be made he shall personally require of the justice

Examina-  
tion in such  
case.

(1) "Court of sessions" is substituted throughout this and the other titles for "court of general sessions of the peace" and "court of general sessions." (See Laws of 1847, chap. 280, § 44.)

issuing the warrant, that such examination be made in his presence; in which case, reasonable notice of the time and place of such examination shall be given to the person so charged. He may appear and offer testimony in relation to the matters to be inquired into, and the same proceedings shall be had as in the case of the person so charged being brought before such justice.

Mother of  
bastard, how  
compelled to  
testify.  
4 Wen., 555.

§ 20. In making any examination hereby authorized, the justice or justices may compel the mother of a bastard, so chargeable, or likely to become chargeable, or a woman pregnant with a child likely to be born a bastard and to become so chargeable, to testify and disclose the name of the father of such bastard or child; and in case of her refusal, may, after the expiration of one month from the time of her delivery, if she shall be sufficiently recovered, commit her to the common jail of the county by a warrant under his hand or the hands of such justices, in which the cause of commitment shall be distinctly set forth, there to remain until she shall testify and disclose the name of such father.

Mother,  
when com-  
pelled to  
support bas-  
tard.

§ 21. If the mother of a bastard child, chargeable or likely to become chargeable, as before declared, be possessed of any property in her own right, any two justices of the peace of the county where such mother may be, on the application of any county superintendent or overseer of the poor, shall examine into the matters, and, in their discretion, make order for the keeping of such bastard, by charging such mother with the payment of money weekly, or other sustentation for the support of such child as they shall think meet.

Proceedings  
in case of  
refusal.

§ 22. If, after the service of such order, subscribed by the said justices, upon such mother, she shall refuse or neglect to perform the same, she shall be committed to the common jail of the county, there to remain, without bail, until she comply with such order, unless she shall execute a bond to the people of this state, in such sum as the said justices shall direct, with good and sufficient sureties, to appear at the then next court of sessions in the said county and not to depart the said court without its leave.

Amount or-  
dered to be  
paid, may be  
reduced or  
increased.

§ 23. The justices who shall have made any order of filiation or maintenance against the father or mother of any bastard, may from time to time vary the amount

therein directed to be paid, by reducing the same as circumstances may require; and upon the application of any county superintendent or overseer of the poor interested therein, and after ten days' notice, to be given to the party who may be affected thereby, the court of sessions of the county may increase the sum in and by such order directed to be paid for the support of any bastard; and the said court, on the application of any person affected by such order, and after the same notice to the superintendents or overseers at whose instance it was procured, may reduce the amount directed to be paid by any such order.

§ 24. Any person who shall think himself aggrieved by any order, or determination of any two justices of the peace, made pursuant to any authority hereby given, may appeal therefrom to the next court of session, to be holden in the same county, excepting any person who shall have executed a bond, to perform any order of filiation and of settlement, and to indemnify the public, who shall be concluded thereby, and shall not be permitted to appeal from any other part of such order, than such as fixes the weekly or other allowance to be paid. Whenever a bond shall be entered into by a person charged as the father of a bastard, or of a child likely to be born a bastard, or by the mother of a bastard, for his or her appearance at the next court of sessions, the same shall be deemed an appeal from the order of filiation or sustenance, or both, as the case may be, and no further or other notice thereof shall be required. In other cases of appeal, notice shall be given to the justices making the order, and to the other party affected by such order, or to the superintendent or overseers at whose instance the same was obtained, at least ten days previously.

§ 25. No justice of the peace, who shall have assisted in any judgment or in making any order appealed from, shall sit in the court of sessions upon the hearing of any appeal made from such judgment or order.

§ 26. The justices who shall have taken or received any bond for the appearance of any party at the sessions, shall transmit the same to the clerk of the court before the opening thereof, together with the orders of main-

Appeals  
from adjud-  
ications of  
justices.  
19 Wen., 186.

Bond for ap-  
pearance to  
be deemed  
an appeal.

Notice in  
other cases.

Justice mak-  
ing order  
not set on  
appeal.

Bonds, &c.,  
when to be  
filed in  
clerk's office



tenance and sustenance which shall have been made, or true copies thereof, signed by the justices making the same.

Subpenas  
on appeals.  
13 Wen., 374.

§ 27. Subpenas shall be issued by the clerk of the court in vacation as well as in term, and be delivered to any party to such appeal, requiring the same; and obedience to such subpenas shall be enforced, and the witnesses summoned may be compelled to testify, in the same manner as in criminal cases pending in such court.

Proceedings  
on hearing  
appeal.  
7 Wen., 861.

§ 28. The court to which such appeal may be made, shall proceed to hear the allegations and proofs of the respective parties, and the party in whose favor any order was made, which shall be the subject of appeal, shall be required to substantiate the same by evidence. If the mother of any bastard be dead or insane, the testimony given by her on her examination, shall be received in the same manner as if she were present and testified the same.

Court may  
affirm,  
quash or va-  
ry orders.

§ 29. The court may affirm or quash any order of filiation or sustenance, or may reduce or increase the sum directed by any such order to be paid for the support of a bastard, or for the sustenance of its mother; but no such order shall be quashed for any defects in the form thereof, but the same shall be amended by the said court according to the facts and justice of the case. If at the time of hearing such appeal the child supposed likely to be born a bastard, shall not be born, the court may adjourn such hearing from time to time, until such child be born, and shall take a recognizance from all parties bound to appear.

When hear-  
ing may be  
adjourned.

In certain  
cases father  
to be dis-  
charged.

§ 30. If the woman so pregnant shall be married before she be delivered of such child, or if she shall miscarry so that such child shall not be born alive, or if it shall appear that she is not so pregnant, then the person charged as the father of such child shall be discharged from custody if imprisoned, or from his bond or recognizance, by the court of sessions of the county before whom such fact shall appear, or shall be immediately relieved out of custody by warrant under the hands and seals of the justices by whom he was committed, upon such fact appearing to them.

On affirm-  
ance of or-  
der of filia-

§ 31. If, upon such hearing, the court of sessions affirm the order of filiation, by which any person shall be

determined to be the father of a bastard, or a child likely to become a bastard, the said court shall require such person immediately to enter into a bond to the people of this state, in such sum as it shall prescribe, with good and sufficient sureties, conditioned that such person shall pay weekly or otherwise, as shall have been directed by the order of filiation and sustenance, such sum for the support of such bastard or child, and for the sustenance of its mother during her confinement and recovery therefrom, as shall have been so ordered by two justices of the peace, or as the same shall have been or thereafter shall be modified by the court of sessions, and that he will fully and amply indemnify the county and town, or the county and city, where the said bastard shall have been born, or where the woman likely to have such bastard shall be, and every other county, town or city, which may have incurred any expense, or which may be put to any expense for the support of such child or its mother during her confinement and recovery therefrom.

tion, father  
to give bond.

§ 32. If any person against whom such order shall be affirmed, shall refuse or neglect to execute such bond, with such sureties, to the satisfaction of the said court, he shall be committed to the common jail of the county by an order of such court, there to remain until he shall execute such bond, or be discharged by the said court.

Consequences of neglect.

§ 33. If any person bound to appear at any court of sessions, on the charge of being the father of a bastard, or of a child likely to be born a bastard, shall depart the said court without executing the bond it may require, or without being discharged by the said court from the bond executed by such person for his appearance, the said bond shall be thereby deemed to be forfeited, and may be prosecuted as hereinafter directed.

Bond for appearance, when forfeited.

§ 34. Where the mother of any bastard shall be bound to appear at any court of sessions, to answer on account of any order made against her for the support of such bastard, or shall be committed for neglect or refusal to enter into such bond, the court shall examine into the matter, compel the attendance of witnesses, and hear the allegations and proofs of the parties, in the same manner as herein before directed in the case of an appeal.

Proceedings in respect to mother bound to appear, &c.

Court may  
affirm, vary  
or discharge  
order.

§ 35. If the court shall be satisfied that such mother has property in her own right, so as to be able to support such bastard, or contribute to its support, it shall confirm the order made for that purpose, and may, in its discretion, vary the amount ordered to be paid weekly or otherwise. If not so satisfied, the court shall discharge such woman from her bond, and, if in custody, from her imprisonment.

Proceedings  
on affirming  
order.

§ 36. If the court affirm such order, it shall require the said mother to execute a bond, in such sum as it shall prescribe, with sufficient sureties, to the people of this state, conditioned that such mother will faithfully comply with and obey the order for the support of such bastard, so made and affirmed, as the same shall have been modified, or may thereafter be modified by the court of sessions. If she shall refuse or neglect to execute such bond, she shall be committed, by an order of the said court, to the common jail of the county; there to remain until she shall execute such bond, or until she shall be discharged by the court.

Costs on ap-  
peal.  
12 Wen., 273.

§ 37. The court shall award costs to the party in whose favor any such appeal shall be determined, and to any party to whom notice of appeal shall be given and not prosecuted. When awarded against any county superintendents, or overseers of the poor of any town not liable for the support of its own poor, the amount shall be paid by the county treasurer, on the production of a certified copy of the order, and of the taxed bill of such costs, and shall be by him charged to the town which shall be bound to support such bastard, if any town in the same county be so liable; and if there be no town so liable, then to be charged to the county.

1b.

§ 38. In other cases, the payment of such costs may be enforced by rule and attachment of the same court, or by an action founded on the order for their payment. If the party, against whom costs are awarded, reside out of the jurisdiction of the court of sessions, an action may be brought on such order by the party entitled to such costs, in which the production of a certified copy of the order, and of a taxed bill of the costs, shall be sufficient evidence.

When court  
may make  
original or-

§ 39. If the court of sessions quash any order of filiation and maintenance, for any other reason than

upon the merits and facts, such court shall proceed and make an original order of filiation, in the same manner as any two justices of the peace may, by law; or such court shall bind over the person charged, to appear at the next sessions.

der of filiation.

§ 40. In case of any order being quashed, for any other reason than on the merits, and the person charged being bound over as aforesaid, the same proceedings may be had by the justices of the peace for the apprehension of the person charged as father of a bastard, or of a child likely to be born a bastard, and for the making of an order of filiation and maintenance, and for the commitment of such person in default of executing any bond required by law, as are herein authorized in the first instance. And the same proceedings shall be subsequently had in all respects.

Proceedings when order quashed for informality.

§ 41. Whenever any person shall be committed to prison, charged as the father of a bastard, or of a child likely to be born a bastard, and whenever any mother of a bastard shall be so committed, for their default in not executing a bond to support such child, or to indemnify the public, it shall be the duty of the court of sessions of the county, to inquire, from time to time, into the circumstances and ability of such father or mother to support such bastard, or to procure sureties to be bound with either of them.

When father or mother imprisoned, duty of court.

§ 42. If the court shall at any time be satisfied that such father or mother is wholly unable to support such child, or to contribute to its support, or to procure sureties to be bound with either of them, the said court may, in its discretion, order such father or mother to be discharged from such imprisonment.

When to be discharged.

§ 43. Before any order for such discharge shall be entered, the court shall be satisfied that reasonable notice has been given to the overseers of the poor, or the county superintendents, at whose instance such father or mother may have been committed, of the intention to apply for such discharge, and shall hear the allegations and proofs of the said superintendents or overseers, and may examine such father or mother on oath, in relation to their circumstances.

Certain notice before discharge to be given.

§ 44. Whenever a father or mother shall be lawfully committed for the causes in the last section specified, or

Insolvent acts, &c., not to apply to

persons im-  
prisoned un-  
der this title.

either of them, he or she shall not be discharged from imprisonment under or by virtue of any insolvent act, or other act for the relief or discharge of imprisoned debtors, or in any other way, until discharged by the court of sessions of the county.

Bonds for  
appearance,  
to be signed;  
to be trans-  
mitted to  
court.

§ 45. The bonds taken by any justice or justices of the peace, for the appearance of any person charged as the father of a bastard, or of a child likely to be born a bastard, or for the appearance of any mother of a bastard child, at any court of sessions, shall be signed by the persons binding themselves as principal and sureties, and shall be transmitted by the justice taking the same, or receiving the same from any constable as herein provided, to the said court, at the opening of the next term thereof.

How to be  
prosecuted,  
&c.

§ 46. If any default shall be made, by which such bond shall become forfeited, the court shall cause the same to be prosecuted by the district attorney of the county, and the penalty thereof shall be recovered, and when collected, shall be paid to the county treasurer, to be by him credited to the town liable for the support of the bastard, if there be any such town in the county, and if there be none, then to be credited to the county.

Prosecution  
of bonds to  
support bas-  
tards.

§ 47. Whenever a bond shall be taken to perform any order that may be made in relation to the support of any bastard, or of any child likely to be born a bastard, or for the sustenance of its mother, and any breach shall happen in the condition thereof, the same may be prosecuted in the name of the people of this state, by the county superintendents of the county, or the overseers of the poor of the town, which was liable for the support of such bastard or child, or which may have incurred any expense in the support of such bastard or child, or in the sustenance of its mother during her confinement and recovery therefrom.

Proceedings  
thereon;  
what to be  
deemed a  
breach.  
§ Wen., 599.

§ 48. In such action, the breaches of the condition shall be assigned as in actions brought on bonds with condition other than for the payment of money, and the same proceedings shall be had in all respects. It shall not be necessary to prove the actual payment of money by any county superintendent, overseer of the poor, or other person, but the neglect to pay any sum which shall have been ordered to be paid by any competent authority, for the support of the child, or the sustenance of its

mother, shall be deemed a breach of the condition of such bond, and the amount of damages to be assessed in such case, shall be the sum which was so ordered to be paid, and which was withheld up to the time of the commencement of such suit, with interest thereon.

§ 49. For any breaches of the condition of such bond which shall happen after the recovery of any damages, or the commencement of any suit, a *scire facias* may be issued, and the same proceedings had, as in actions brought on bonds with conditions other than for the payment of money. All moneys which shall be collected upon any such bond, shall be paid to the county treasurer, and by him credited to the town liable for the support of such bastard, if there be any such town in the county, and if there be none, then to be credited to the county.

Subsequent  
breaches;  
application  
of recovery.

§ 50. If in any such suit upon a bond, in the name of the people, the same shall be discontinued, or non-prossed, or judgment shall pass for the defendant on verdict, demurrer or otherwise, the relators, and their successors in office shall be liable to pay such costs as the court shall award; which payment may be enforced by rule and attachment of the court, and shall be reimbursed by the county treasurer, and be by him charged to the town liable for the support of such bastard, if there be any such town in the same county, and if there be none, to the county.

Costs on  
judgment for  
defendant;  
how collect-  
ed.

§ 51. An action may be maintained by the county superintendents of the county, or by the overseers of the poor of the town, which may be liable for the support of any bastard or child likely to be born a bastard, or which may have incurred any expense, or be liable to any expense, in the support of such child, or the sustenance of its mother, upon any order that may be made by any two justices of the peace, or by a court of sessions, for the payment of a sum weekly, or otherwise, for such support or sustenance, notwithstanding a bond may have been executed to comply with such order, and to indemnify any such county or town; and in case of the death of the person against whom such order was made, an action may also be maintained on such order against his executors or administrators. But when a bond is entered into, to appear at the next general sessions, no action

Giving of  
bond not to  
prevent ac-  
tions for ex-  
pense of  
bastards, &c.

May be  
brought  
against exe-  
cutors, &c.

shall be brought on any such order until the same shall have been affirmed by the said sessions.

Proceedings  
against  
father or  
mother of  
bastard, ab-  
sconding,  
&c.

§ 52. If the putative father or mother of any bastard, or of any child likely to be born a bastard and to become chargeable, shall run away from the place of their ordinary residence, leaving such bastard or child chargeable, or likely to become chargeable to the public, the overseers of the poor of the town, or the superintendents of the poor of the county where any such bastard shall be born or be likely to be born, may apply to any two justices of the peace of the county where any estate, real or personal, of the putative father or mother of such bastard shall be, for authority to seize and take such real and personal estate. Upon due proof being made, to the satisfaction of such justices, of the said facts, they shall issue their warrant, in the same manner as is provided in the first title of this chapter in relation to parents absconding and leaving their children chargeable; and the same proceedings, in all respects, shall be had thereon, and the overseers and superintendents shall account to the sessions in the manner therein provided.

Mother and  
bastard, how  
to be sup-  
ported.

§ 53. The mother of every bastard, who shall be unable to support herself during her confinement and recovery therefrom, and every bastard, after it is born, shall be supported as other paupers are required to be supported by law, at the expense of the town where such bastard shall be born, if the mother have a legal settlement in such town, and it be required to support its own poor; if the mother have a settlement in any town of the same county, which is required to support its own poor, then at the expense of such town; in all other cases they shall be supported at the expense of the county where such bastard shall be born.

Mother not  
to be re-  
moved with-  
out her con-  
sent.

§ 54. Such mother and her child shall not be removed from any town to any other town in the same county, nor from one county to any other county, in any case whatever, unless voluntarily taken to the county or town liable for their support, by the county superintendents of such county or the overseers of the poor of such town.

When over-  
seers to noti-  
fy superin-  
tendents of  
cases of  
bastardy.

§ 55. The overseers of the poor of any town where a woman shall be pregnant of a child likely to be born a bastard, or where a bastard shall be born, which child or bastard shall be chargeable, or likely to become

chargeable to the county, shall, immediately on receiving information of such fact, give notice thereof to the county superintendents or one of them.

§ 56. The county superintendents shall provide for the support of such bastard and its mother, in the same manner as for the poor of such county.

Superintendents to support mother and child.

§ 57. Until the county superintendents take charge of and provide for the support of such bastard and its mother so chargeable to the county, the overseers of the poor of the town shall maintain and provide for them; and for that purpose the same proceedings shall be had as for the support of a pauper chargeable to the county, who cannot be conveniently removed to the county poor-house.

Until they do so, duty of overseers.

§ 58. Where a woman shall be pregnant of a child likely to be born a bastard, or to become chargeable to a town, or where a bastard shall be born chargeable or likely to become chargeable to a town, the overseers of the poor of the town where such bastard shall be born, or be likely to be born, whether the mother have a legal settlement therein or not, shall provide for the support of such child and the sustenance of its mother during her confinement and recovery therefrom, in the same manner as they are authorized by law to provide for and support the poor of their town.

Mother and bastard to be supported by overseers: whether chargeable to town or not.

§ 59. Where any money shall be paid to any overseers, pursuant to the order of any two justices, by any putative father, or by the mother of any bastard, the said overseers may expend the same directly in the support of such child and the sustenance of its mother as aforesaid, without paying the same into the county treasury. They shall annually account, on oath, to the board of town auditors, at the same time that other town officers are required to account, for expenditures of all moneys so received by them, and shall pay over the balance in their hands to their successors in office, at the same time, and under the like penalties as are provided by law in respect to the poor moneys in their hands.

Money received from parents of bastard, how to be applied; how to be accounted for.

§ 60. All moneys which shall be ordered to be paid by the putative father, or by the mother of a bastard chargeable to any county, shall be collected for the benefit of such county; and all overseers of the poor, superintendents, sheriffs, and other officers, shall, within fifteen

When received on account of bastard chargeable to county, how to be disposed of.



days after the receipt of any such moneys, pay the same into the county treasury. Upon neglect of any of the said officers to make such payment, they shall be liable to an action by and in the name of the county treasurer, for all moneys so received and withheld, with the interest from the time of the receipt at the rate of ten dollars upon the hundred dollars; and shall forfeit a sum equal to that so withheld, to be sued for and recovered by and in the name of the county treasurer.

Settlement  
of bastards,  
how deter-  
mined.

§ 61. Whenever any dispute shall arise concerning the legal settlement of the mother of a bastard, or of a child born or likely to be born a bastard, in any town, the same shall be determined by the board of county superintendents of the poor, upon a hearing of the parties interested, in the same manner as they are authorized to determine the settlement of any poor person.

Proceedings  
for that pur-  
pose.

§ 62. Where a bastard shall be born, or be likely to be born in one town, when the legal settlement of the mother is in another town of the same county, which is required by law to support its own poor, the overseers of the poor of the town where such bastard shall be born, or be likely to be born, shall give the like notice to the overseers of the town where the mother's settlement may be, as is required in the case of a person becoming a pauper, under the like circumstances; and the same proceedings shall be had in all respects to determine the liability of such town as in the case of paupers.

Ib.

§ 63. The overseers of the town to which the mother of such bastard belongs, may, before the confinement of such mother, or at any time after the expiration of two months after her delivery, if her situation will permit it, take and support such mother and her child.

Ib.

§ 64. If they omit to do so, and fail to obtain the determination of the county superintendents in their favor on the question of settlement, the town to which the mother belongs shall be liable to pay all the expenses of the support of such bastard and of its mother during her confinement and recovery therefrom; which expenses, after being allowed by the county superintendents, shall be assessed, together with the lawful interest on the moneys expended, on the town to which such mother belongs, and shall be collected in the same manner as provided for poor persons supported under the

same circumstances; and the moneys so collected shall be paid to the county treasurer for the benefit, and to be credited to the town which incurred the said expenses.

§ 65. In those cases where any town is required to support a bastard and its mother, whether the mother have a settlement in such town or not, and no moneys shall be received from the putative father, or from the mother, to defray the expense of such support, the overseers of the poor shall apply to a justice of the peace, and obtain an order for the support of such bastard, and the sustenance of its mother, during her confinement and recovery therefrom; and the sum to be allowed therefor in the same manner as is required in the case of paupers; and the moneys paid, or contracted to be paid, by the overseer, pursuant to such order, shall be paid by the county treasurer, in the same manner as for paupers, and be charged to the town to whose officers such payments shall be made.

Order of justice to fix sum to be expended for bastards, &c., in certain cases.

§ 66. If there be a county poor-house, or other place provided for the reception of the poor, in any county where the towns are required to support their own poor, the overseers of the poor of a town where a bastard shall be born, or shall be likely to be born, may, with the approbation of the county superintendents, or any two of them, and when the situation of the mother will allow it, remove the mother of such bastard, with her child, to such poor-house, or other place, in the same manner as paupers may be removed, the expense of which shall be defrayed in the like manner; and such mother and her child shall be considered as poor of the town so liable for their support; and the expense shall in like manner be estimated and paid.

When bastard and mother to be removed to county poor-house.

How supported there.

§ 67. Any superintendents of county poor, and any overseer of the poor of any town, whose duty it shall be to provide for the support of any bastard and the sustenance of its mother, who shall neglect to perform such duty, shall be deemed guilty of a misdemeanor; and shall, on conviction, be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment, not exceeding one year, or to both.

Penalty on superintendents and overseers for neglect.

§ 68. The commissioners of the alms-house and bride-well of the city of New-York, or any two of them, may make such compromise and arrangements with the

Compromise with putative father in New-York.

putative fathers of bastard children in the said city, relative to the support of such children, as they shall deem equitable and just, and thereupon may discharge such putative fathers from all liability for the support of such bastards.

Compromise  
in other  
counties.  
25 Wen., 619.

§ 69. Superintendents of the poor in any county in this state shall have power to make such compromise and arrangements with the putative fathers of any bastard children, within their jurisdiction, relative to the support of such children, as they shall deem equitable and just; and, thereupon, to discharge such putative father from all liability for the support of such bastards. [*Sec. 2, of chap. 26, of 1832.*]

Mothers to  
receive mo-  
ney paid on  
compromise.

§ 70. Whenever a compromise shall be made with the putative father of a bastard child, pursuant to sections sixty-eight and sixty-nine, of title six of chapter twenty of the first part of the Revised Statutes, the mother of such child, on giving security for the support of the child, and to indemnify the city and county, or the town and county from the maintenance of the child, to the satisfaction of the officers making the compromise, shall be entitled to receive the moneys paid, or secured by such putative father, as the consideration of such compromise. [*Sec. 1, of chap. 202, of 1838.*]

Or a weekly  
allowance.

§ 71. When the mother of such child shall be unable to give such security, but shall be able and willing to nurse and take care of the child, she shall be paid the same weekly allowance for nursing and taking care of the child, out of moneys paid by the father on such compromise, as he shall have been liable to pay by the order of filiation; such weekly sum to be paid the mother, may be prescribed, regulated, or reduced, as in the case of an order of filiation. [*Sec. 2, of same chap.*]

Penalty on  
constables  
neglecting to  
deliver over  
bonds re-  
ceived by  
them.

§ 72. [Sec. 69.] Every constable or other officer, to whom any bond of the putative father of a bastard, or of a child likely to be born a bastard, taken out of the county where a warrant was issued, shall be delivered as hereinbefore directed, who shall neglect or refuse to deliver the same to the justice who issued such warrant, within fifteen days after the receipt of the same, shall forfeit the sum of twenty-five dollars, to be sued for and recovered by and in the name of any overseers of the

poor, or county superintendents, at whose instance the said warrant was issued.

§ 73. [Sec. 70.] No justice of the peace shall be liable to any information, indictment, action of trespass, or other action, by reason of his having endorsed any warrant issued for the apprehension of the putative father of a bastard, or of a child likely to be born a bastard, although it should afterwards appear that such warrant was illegally or improperly issued.

Justice endorsing warrant under this title, not liable.

§ 74. [Sec. 71.] If any justice who shall have issued any warrant for the apprehension of the father of a bastard, or of a child likely to be born a bastard, shall have died, vacated his office, or be absent on the return of such warrant, the constable who may apprehend such father, shall carry him before some other justice of the same town, who shall have the same authority to proceed therein, as the justice who issued such warrant.

Proceedings in case of death, &c., of justice issuing warrant.

§ 75. In those counties where the distinction between town poor and county poor has been abolished, and in those counties which are by law liable to the support of the poor thereof, or of the poor of the towns of such county, the same proceedings may be had, and with the like effect, against the father and mother of any bastard child already born in any such county, or hereafter born therein, or of any child likely to be born a bastard, as if such bastard was chargeable or likely to become chargeable to any town, and such proceedings may be instituted by the overseers of the poor of the town where such bastard shall be born or be likely to be born, or by the county superintendents of the poor of such county. [*Chap. 6 of 1828, 2d meeting.*]

Proceedings in certain counties.

#### CHAPTER 8, PART 2, TITLE 4, R. S.

*Powers and Duties of Superintendents and Overseers of the Poor in relation to binding out children, and to suits brought by or against them in their name of office.*

§ 5. The county superintendents of the poor in the several counties, may bind out any child, under the ages above specified, who shall be sent to any county poor-house, or who is or shall become chargeable, or whose parent or parents are or shall become chargeable to such county, to be clerks, apprentices or servants, until

When county superintendents may bind out infants. 18 J. R., 270.

such child, if a male, shall be twenty-one years old, or if a female, shall be eighteen years old, which binding shall be as effectual as if such child had bound himself with the consent of his father.

When overseers of the poor.

§ 6. The overseers of the poor of any town or city may, in like manner, bind out any such child who or whose parent or parents shall become chargeable to such town or city, or who shall have been sent to any poor-house, other than a county poor-house, with the consent in writing of any two justices of the peace of the town, or of the mayor, recorder and aldermen of any city, or of any two of them.

Indian children.

§ 7. No child of an Indian woman shall be bound as an apprentice under the provisions of this title, except in the presence and with the consent of a justice of the peace, a certificate of which consent, signed by the justice, shall be filed with the clerk of the town in which the indenture of apprenticeship shall be executed.

Age of infants to be inserted in indentures.

§ 8. The age of every infant so bound shall be inserted in the indentures, and shall be taken to be the true age, without further proof thereof; and whenever any public officers are authorized to execute any indentures, or their consent is required to the validity of the same, it shall be their duty to inform themselves fully of the infant's age.

Money paid, &c., to be inserted.

§ 9. Every sum of money paid or agreed for with, or in relation to the binding out of any clerk or apprentice, shall be inserted in the indentures.

Special agreement to be inserted in certain cases.

§ 10. Whenever any child shall be bound out by the county superintendents of the poor of any county, or by the overseers of the poor of any city or town, the indentures shall contain an agreement on the part of the person to whom such child shall be bound, that he will cause such child to be instructed to read and write, and if a male, will cause him to be instructed in the general rules of arithmetic; and every such indenture shall also contain an agreement, that the master will give to such apprentice, at the expiration of his or her service, a new Bible.

Certain indentures where to be deposited.

§ 11. The counterpart of any indentures executed by the county superintendents of the poor, shall be by them deposited in the office of the clerk of the county; and the counterpart of such indentures executed by any

overseers of the poor, shall be by them deposited in the office of the clerk of their city or town.

CHAPTER 8, ARTICLE 4, TITLE 4, PART 3, R. S.

*Of Proceedings by and against Public Bodies, having certain Corporate Powers, and by and against the Officers representing them.*

- Sec. 92. Public officers enumerated, who may bring certain actions.  
 93. Such actions may be brought on contracts, &c., with their predecessors.  
 94. But in certain cases to be in name of the body represented.  
 95. Actions against counties and towns, how to be brought.  
 96. Actions against certain public officers, how brought; proceedings.  
 97. In certain actions, defendants not to be held to bail.  
 98. Actions against officers on contracts of their predecessors.  
 99. Omitting name of one of several officers, how waived.  
 100. Suits by officers not to abate by death, removal, &c.  
 101. New defendant not to be substituted without consent or notice.  
 102. Judgments against certain officers to be laid before supervisors.  
 103. To be added by them to tax list, and collected as taxes.  
 104. County treasurer in certain cases to pay judgments.  
 105 & 106. When to be paid by supervisor or overseers of the poor.

§ 92. Actions may be brought by the supervisors of a county; by the loan officers and commissioners of loans of a county; by county superintendents of the poor; by supervisors of towns; by overseers of the poor of the several towns; by commissioners of common schools and commissioners of highways of the several towns; by trustees of school districts; and by trustees of gospel and school lots; upon any contract lawfully made with them or their predecessors, in their official character; to enforce any liability, or any duty enjoined by law, to such officers or the body which they represent; to recover any penalties or forfeitures given to such officers or the bodies whom they represent; and to recover damages for any injuries done to the property or rights of such officers, or of the bodies represented by them.

§ 93. Such actions may be brought by such officers in the name of their respective offices, notwithstanding the contract or obligation on which the same is founded, may have been made with or to any predecessors of such officers, in their individual names or otherwise, and notwithstanding any right of action may have accrued previous to the time when the officers commencing such suit entered upon the execution of the duties of their office.

Actions by  
certain pub-  
lic officers.

On con-  
tracts, &c.  
with their  
predeces-  
sors.

When in  
names of  
public  
bodies.

§ 94. But in cases where by special provision of law, actions are directed to be brought by or against any public bodies, in the name of any such body, the same shall be brought or defended in such name, by the persons representing such body, then in office.

Against  
counties  
and town.

§ 95. Actions against counties, in the cases in which they are allowed by law, shall be brought against the board of supervisors thereof, and actions against towns shall be brought against such towns by their names; the said actions may be commenced by summons, as in suits against corporations, and the same proceedings shall be had thereon as are prescribed in the first article of this title.

Against cer-  
tain public  
officers.  
7 Wend., 181.  
10 do. 426.

§ 96. Actions against the officers named in the preceding ninety-second section of this title, shall be brought against them individually, specifying in the process, pleadings and proceedings, their name of office; and such actions may be commenced in the same manner as against individuals; but the defendants shall not be held to bail in any case unless upon the order of a judge of the court in which the action is commenced, founded upon proof by affidavit that the same is brought for some personal misconduct in office, or upon some personal liability assumed or incurred by such defendants in their official character.

When not to  
be held to  
bail.

§ 97. In actions against county superintendents of the poor of any county, and against overseers of the poor of any town, to enforce any liability of such county or town, or to recover any sum of money, damages or expenses, which such county or town may be liable to pay, the defendants shall not be held to bail.

On con-  
tracts of pre-  
decessors.

§ 98. When any contract shall have been entered into, or any liability shall have been incurred, by or in behalf of any county or town, by any officer thereof within the scope of his authority, the same remedies may be had against any successor of such officer, in his official character, as might have been had against such officer if he had continued in office.

Plea in  
abatement.

§ 99. In suits against any of the officers named in this article, the omission to name any other officer in the process or declaration may be pleaded in abatement; and if not so pleaded, such omission shall be deemed to have been waived, and shall not be objected in any other stage of the proceedings.

§ 100. No suit commenced by or against any officers named in this article, shall be abated or discontinued by the death of such officers, their removal from, or resignation of, their offices, or the expiration of their term of office; but the court, in which any such action shall be pending, shall substitute the names of the successors in such office, upon the application of such successors, or of the adverse party.

Abatement  
of suits  
by officer's  
death, &c.,

§ 101. But before any new defendant shall be so substituted without his consent, at least fourteen days' notice of the application for that purpose shall be personally served on him.

Substituting  
defendant.

§ 102. If judgment be rendered for any debt, damages or costs, against the board of supervisors of a county, against the county superintendents of the poor of any county, against any town or the supervisor thereof, or the overseers of the poor thereof, on account of the liability of such county or town; and such judgment be not suspended by writ of error or otherwise, or be not paid and satisfied before the next annual meeting of the board of supervisors of the county, a certified copy of the docket of such judgment, or the record thereof, if required by such board, shall be laid before the board of supervisors of the county at some annual meeting thereof.

Certain  
judgments  
to be laid be-  
fore super-  
visors  
11 Wen., 181.

§ 103. The board of supervisors shall add the amount of such judgment, together with interest thereon from the time of recovery, to the first Monday in February then next, and also the expenses of the certified copy of the docket or record of judgment mentioned in the preceding section, to the tax to be laid upon the county or town against which, or against the officers of which, such recovery shall have been had; which sums shall be assessed, levied and collected, as other contingent charges of such town or county, and shall be paid by the county treasurer to the person recovering such judgment.

To be col-  
lected like  
taxes.

§ 104. But if the treasurer of the county, against which, or against whose officers, such judgment shall be had, have sufficient moneys in his hands belonging to such county, not otherwise specifically appropriated, he shall be bound to pay the amount of such judgment, upon the production of a certified copy of the docket thereof, or of the record, if required; and if he shall

When to be  
paid by  
county trea-  
surer.



fail to do so on demand, he shall be personally liable for the amount of such judgment, with the interest, to be recovered in an action by the party in whose favor such judgment was rendered, or his representatives.

When by supervisors and overseers.

§ 105. If the supervisor of a town, or the overseers of the poor of a town, against whom any judgment shall have been rendered, which shall not be suspended by writ of error or otherwise, have sufficient moneys in their hands belonging to their town, not specially appropriated, they shall in like manner pay the amount of such judgment and the interest thereon, upon the like evidence; and for a failure so to do, they shall in like manner be responsible personally to the party in whose favor such judgment was obtained.

By supervisor.

§ 106. If the recovery be had against a town in its own name, the supervisor thereof shall, in like manner and upon the like evidence, pay the amount thereof with interest, out of any moneys in his hands belonging to such town, not specially appropriated; and for a failure to do so shall be personally responsible for such amount, to the party in whose favor such judgment was obtained.

When execution not to issue.

§ 107. When a judgment shall be recovered against the board of supervisors, or the county superintendents of the poor of any county, or against any town, or the supervisor or the overseers of the poor thereof, no execution shall be awarded or issued upon such judgment, unless the same shall have been rendered for the costs of a suit commenced by any of the said officers in their individual names; in which cases, such costs shall be collected of the plaintiffs individually, and the amount thereof shall be allowed to them in their account of official expenditures, by the board authorized to audit such accounts, if such suit appear to have been necessarily commenced in good faith.

To issue against certain officers.

§ 108. In suits by and against loan officers, commissioners of loans, commissioners of common schools, and commissioners of highways, trustees of school districts, and trustees of gospel and school lots, the debt, damages or costs recovered against them shall be collected in the same manner as against individuals; and the amount so collected shall be allowed to them in their official accounts.

*Provisions relating to the Deaf and Dumb, and the Blind.*

§ 1. It shall be the duty of the overseers of the poor, in each town, to furnish the superintendent of common school with a list of the deaf and dumb persons in their respective towns, so far as they can ascertain them, with such particulars in relation to the condition of each as shall be prescribed by the said superintendent.<sup>1</sup> [*Sec. 1, chap. 223, of 1832.*]

§ 2. From the list thus obtained, the superintendent may select as state pupils such as are properly embraced within the provisions of the existing laws, and make such regulations, and give such directions to parents and guardians, in relation to the admission of pupils at stated periods, as will remove the inconvenience of having pupils of the same class entering the school at different periods.<sup>1</sup> [*Sec. 2, of same chap.*]

§ 3. The notice required by this act to be given to the overseers of the poor, shall be in lieu of the notice required by the third section of the "act to provide for the instruction of the indigent deaf and dumb within this state," passed April 16, 1822; and whenever vacancies occur in the pupils from a senate district, those vacancies may be filled from the list of that district, kept by the superintendent of common schools, without delay.<sup>1</sup> [*Sec. 3, of same chap.*]

§ 4. The supervisors of any county in this state, from which state pupils may be selected, whose parents or guardians are unable to furnish them with suitable clothing, are hereby authorized and required, while such pupils are under instructions, to raise a sum of money for this purpose, not exceeding twenty dollars in any one year for each pupil from said county. [*Sec. 3, of chap. 244 of 1838, relating to the New-York institution for the instruction of the deaf and dumb.*]

§ 5. The supervisors of any county in this state, (from which state pupils may be sent and received into the said

(1) These sections are undoubtedly still in force, but they have in effect become obsolete, owing to the difficulty of obtaining accurate returns, and the fact that the number of state pupils allowed by law, has been so increased within the last few years, that the superintendent has been able to select all within the proper age who have applied for admission into the institution.

institution, whose parents or guardians are unable to furnish them with suitable clothing,) are hereby authorized and required, while such pupils are under instruction, to raise a sum of money for this purpose, not exceeding twenty dollars, in any one year for each pupil from said county. [*Sec. 5, of chap. 200, of 1839, relating to the Institution for the Blind.*]

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*Miscellaneous Provisions relative to Superintendents and Overseers of the Poor.*

An overseer of the poor, to be eligible, must be an elector of the town for which he is chosen.—1 R. S., p. 345, § 11.

Before an overseer enters on the duties of his office, and within ten days after notice of his election, he must take and subscribe the constitutional oath before a justice or commissioner of deeds.—§ 13. The oath is to be taken and certified without reward.—§ 14. The oath is to be filed with the town clerk within eight days after it is taken.—§ 15. If the person chosen overseer neglects to take and file the oath, it is deemed a refusal to serve.—§ 16. If he refuses to serve, he is to forfeit fifty dollars.—§ 25. If he enters upon the duties of his office without taking the oath, he forfeits fifty dollars.—§ 29.

Their resignations may be accepted by three justices, of which notice is to be given forthwith to the town clerk.—§ 33. If any overseer refuses to serve, dies, resigns, or moves out of town, &c., the town clerk shall, within eight days after the vacancy, call a special town meeting to supply it.—§ 34. If not supplied within fifteen days by the electors, the same may be supplied by three justices of the town.—§ 35.

The accounts of overseers are to be presented to town auditors on the Tuesday preceding annual town meeting in the town.—1 R. S., p. 355, § 46, 47. Overseers are allowed, "for each day actually and necessarily devoted by them to the service of the town," one dollar.—§ 50, p. 356. Overseer to demand records, books and papers of his predecessor.—§ 5, p. 358. Such records and books to be delivered on oath, and overseer to administer it. Person going out of office to pay to suc-

cessor the balance of money in his hands.—§ 7, p. 359. In case of death, this demand to be made upon executors or administrators, &c.—§ 8. The person refusing, in either case, to forfeit two hundred and fifty dollars. For proceedings to compel delivery of records and books, see § 50 to 55 inclusive, 1 R. S., p. 124, 125.

Overseers of the poor may sue a person who has won twenty-five dollars at gaming, and recover that sum, together with treble the amount, for the benefit of the poor.—Chap. 20, p. 663, § 15, v. 1 R. S.

Also, to prosecute for violations of the excise law.—§ 19, 1 R. S., p. 681, and § 30, p. 682.

Also, to prosecute for penalties under game law.—§ 11, p. 702, 1 R. S.

Also, to prosecute pawn-brokers for penalties.—§ 3, p. 709, 1 R. S.

Also, to prosecute for penalties for unauthorized banking.—§ 9, p. 713, 1 R. S.



## APPENDIX,

CONTAINING FORMS AND EXPLANATIONS SUITED TO THE  
FOREGOING LAWS.

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### FORMS UNDER TITLE I.

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#### *Constitutional Oath, § 25.*

I do solemnly swear (*or affirm, as the case may be*), that I will support the constitution of the United States, and the constitution of the State of New-York, and that I will faithfully discharge the duties of the office of superintendent of the poor of the county of \_\_\_\_\_ according to the best of my ability.

A. B.

Sworn and subscribed before me, }  
this     day of             , 18     . }  
C. D., *Justice, &c.*

[This oath may be taken before any justice of the supreme court, county judge, the mayor or recorder of a city, or the clerk of any county or city, or of any court of record, and should be filed in the office of the county clerk.]

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#### No. 1.

*Application to compel a person to support a poor relative, under § 2.*

To the court of sessions of the county of \_\_\_\_\_

The application of the undersigned, overseers of the poor of the town of \_\_\_\_\_ in said county, respectfully represents,



County of                    *ss* :

E. F., of the town of                    in said county, being duly sworn, says: that on the           day of           he served a copy of the annexed notice and application personally, (or, by leaving the same at his last place of dwelling with a person of mature age), on the therein named C. D.

E. F.

Sworn before me this           }  
day of           18           }

No. 2.

*Warrant to seize the goods of an absconding father, husband or mother, under section 8.*

County of                    *ss* :

To the overseers of the poor of the town of           in said county. It appearing to us, two of the justices of the peace of said county, as well by the application and representation to us made by the said overseers, as upon due proof of the facts before us made, that A. B., late of said town, has absconded from his wife and children, leaving said wife and children chargeable (or likely to become chargeable), to the public for support; and that said A. B. has some estate, real or personal in said county, whereby the public may be wholly, or in part, indemnified against said charge: we therefore authorize you, the said overseers of the poor, to take and seize the goods, chattles, effects, things in action, and the lands and tenements of said A. B., wherever the same may be found in said county; and you will, immediately upon such seizure, make an inventory of the property by you taken, and return the same, together with your proceedings, to the next court of sessions of said county.

Given under our hands, in the town of           this  
day of           18

C. D., }  
E. F., } *Justices.*

[By virtue of this warrant, the overseers may take possession of the property of the person absconding, according to sec. 9, title 1, and having made an inventory of the property, they should return the same to the next court of sessions, together with their proceedings, in the following form]:





him: Now, therefore, if the said wife and children so abandoned, shall not become chargeable either to said town or county, then this obligation is to be void; otherwise, of force.

A. B., [L. s.]  
C. D., [L. s.]

Sealed and delivered, and the security ap- }  
proved by and before us, two of the }  
justices of the town of }

} Justices.

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No. 4.

*Form of Order to discharge the warrant and to restore pooperty.—Sec. 11.*

County of , ss:

To the overseers of the poor of the town of , in said county: Whereas, by a warrant to you directed, bearing date the day of , 18 , you were authorized to seize the goods, chattels, effects, things in action, and the lands and tenements of A. B., upon proof that he had absconded from his wife and children, leaving them chargeable to the public for support: And whereas, the said A. B. has returned and now supports his wife and children so abandoned, (or, has given security to the overseers of the poor, satisfactory to us, that the wife and children shall not become chargeable either to said town or county), we do therefore hereby discharge the said warrant issued against the said A. B., and direct the property taken by virtue thereof to be restored to him.

Witness our hands at , this day of , 18 .  
E. F., } Justices.  
G. H., }

NOTE.—In those counties where all the poor are a charge upon the county, the foregoing forms from No. 1 to 4 inclusive, may be used under section 13, in proceedings relating to county superintendents, substituting "superintendents of the poor of the county of , " instead of "overseers of the poor of the town of ."

## No. 5.

*Form of Bond to be given by county Superintendent before entering upon the duties of his office, under section 22.*

Know all men by these presents: That we, A. B., C. D., and E. F., of \_\_\_\_\_, are held and firmly bound unto the supervisors in the county of \_\_\_\_\_, State of New-York, in the penal sum of \_\_\_\_\_ dollars, to be paid to the said supervisors, for which payment, well and truly to be made, we bind ourselves, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 18 \_\_\_\_.

Whereas, the above bounden A. B. has been duly elected to the office of county superintendent of the poor for the county of \_\_\_\_\_, aforesaid, to serve for the term of three years from the first day of January, 18 \_\_\_\_: Now therefore, if the said A. B. shall faithfully execute the duties of his office, and shall pay according to law, all moneys which shall come to his hands, as superintendent of the poor, and render a just and true account thereof to the board of supervisors, then the above obligation to be void; else to remain in full force.

Signed and sealed in,  
presence of  
A. M.

}

A. B. [L. s.]  
C. D. [L. s.]  
E. F. [L. s.]

The sureties in the above bond were duly approved by the board of supervisors this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.\*

D. M., Clerk of the Board.

\* (During the recess of the board, the bond may be approved by the county clerk. See section 26.)

## No. 6.

*Notice from one town to another, (in a county where the towns are liable to support their own poor), requiring the Overseers of the town in which the pauper has a residence, to provide for his support.—Sec. 46, sub. 4.*

County of \_\_\_\_\_, ss:

To the overseers of the poor of the town of \_\_\_\_\_, in said county: You are hereby notified that A. B., a pauper, who has gained a settlement in your town, to which he belongs, is in the town of \_\_\_\_\_, in said county, and is supported at the expense

of the said town of \_\_\_\_\_, for which the undersigned are overseers. You are, therefore, required to provide for the relief and support of the said pauper.

Given under our hands at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

A. B., } Overseers of the poor of  
C. D., } the town of \_\_\_\_\_.

[This notice should be served on one of the overseers of the poor of the town where the pauper belongs. If the overseers to whom the same is directed, intend to contest the allegation of the settlement of such pauper, they must, within ten days after the service thereof, give notice to the overseers of the town where such pauper may be, in the following form] :

## No. 7.

County of \_\_\_\_\_, ss :

To the overseers of the poor of the town of \_\_\_\_\_, in said county : Please to take notice that the undersigned, overseers of the poor of the town of \_\_\_\_\_, in said county, will appear before the superintendents of the poor of the said county, at the poor-house, (or other place, as may be designated), on the \_\_\_\_\_ day of \_\_\_\_\_, at ten o'clock in the forenoon, to contest the alleged settlement of A. B., a pauper, as set forth in your notice of the instant.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

E. F., } Overseers of the poor of the  
G. H., } town of \_\_\_\_\_.

[The day fixed for appearing before the county superintendents must be at least ten, and not more than thirty days from the service of such notice. The superintendents, by subdivision 7, of section 28, are authorized to issue subpoenas to compel the attendance of witnesses, which may be in the following form] :

County of \_\_\_\_\_, ss :

The people of the State of New-York to C. D. : You are hereby required, personally, to appear before the undersigned, superintendents of the poor of the said county, at the poor-house, (or, such other place as is designated in the notice), on the day of \_\_\_\_\_, 18 \_\_\_\_\_, at ten o'clock in the forenoon, to testify in behalf of the

overseers of the poor of the town of \_\_\_\_\_, in said county,  
concerning the alleged settlement of A. B., a pauper.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

A. B., }  
C. D., } *Superintendents of*  
E. F., } *the poor.*

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No. 8.

*Superintendent's decision as to settlement of a Pauper, under section 48.*

County of \_\_\_\_\_, ss:

The undersigned, superintendents of the poor of said county, having convened as required by the overseers of the poor of the town of \_\_\_\_\_, in said county, pursuant to their notice, proceeded to hear and determine a controversy which had arisen between the said overseers and the overseers of the town of \_\_\_\_\_, in said county, concerning the settlement of A. B., a pauper; and upon such hearing of the facts, the undersigned hereby decide, that the legal settlement of the said A. B., as such pauper, is (or, is not), in the said town of \_\_\_\_\_. And the undersigned hereby award to the overseers of the poor of the town of \_\_\_\_\_, the prevailing party, the sum of \_\_\_\_\_ dollars, costs of said proceeding, by them expended.

Given under our hands and seals at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

A. B., [L. s.] }  
C. D., [L. s.] } *Superintendents of*  
E. F., [L. s.] } *the poor.*

[This decision should be entered in the book of the superintendents, and a duplicate thereof filed in the office of the county clerk within thirty days from its date. The decision is final and conclusive upon all parties interested. If the overseers omit to contest the alleged settlement, or if the decision is against them, and they omit to support the pauper, their town is chargeable with the expense, to be collected as prescribed by section 49. The costs awarded cannot exceed \$10.]

## No. 9.

*Superintendent's notice that Pauper will be supported at the expense of a town in a county where the towns support their own poor.—§ 50.*

County of \_\_\_\_\_, ss:

To the overseers of the poor of the town of \_\_\_\_\_, in said county: A. B., a pauper, having been sent to the poor-house as a county pauper, and the undersigned, superintendents of the poor of said county, having inquired into the fact, and being of the opinion that the said pauper has a legal settlement in the town of \_\_\_\_\_, in said county, pursuant to the provisions of section 35, (§ 50), title 1, chapter 20, part 1 of the Revised Statutes of New-York, you are hereby notified, that the expenses of the support of said pauper will be charged to the town of \_\_\_\_\_, unless you, the overseers of said town, within \_\_\_\_\_ (Here insert such time, not less than twenty days, as the superintendents shall appoint), after the service of this notice, show that the said town of \_\_\_\_\_ ought not to be so charged.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

A. B., }  
C. D., } *Superintendents.*  
E. F., }

[This notice must be given within thirty days after the pauper shall have been received. And on the application of the overseers, the superintendents must re-examine the matter, and take testimony in relation thereto, and finally decide the question; which decision, by section 48, is declared to be conclusive, and may be in the following form]:

## No. 10.

*Decision of Superintendents after re-examining settlement of pauper, on application of Overseers, as provided in Sec. 50.*

County of \_\_\_\_\_, ss:

The undersigned, superintendents of the poor of the said county having, on application of the overseers of the poor of the town of \_\_\_\_\_, on whom the notice of which the annexed is a copy was served, re-examined the subject matter of the said notice and taken testimony in relation thereto, do hereby decide that the pauper, A. B., therein mentioned, has a legal settlement in the

## No. 14.

*Decision by the board of county superintendents, as to the refusal of a superintendent to give the certificate (No. 11), § 52.*

County of \_\_\_\_\_, ss:

Notice having been given, by the overseers of the poor of the town of \_\_\_\_\_, in said county, to C. D., one of the superintendents of the poor of said county, that A. B., a poor person, being in said town, should be supported as a county pauper, and the said superintendent having refused (or, neglected) to give the certificate prescribed by § 36 (sec. 51), title 1, chapter 20, part 1, of the Revised Statutes of the State of New-York, and the undersigned, constituting the board of county superintendents of the poor for said county, having, on application of the said overseers, summarily heard the matter, hereby determine and decide that the said pauper hath not gained a legal settlement in any town of the said county, and should be supported as a county pauper (or, hath gained a legal settlement in the town of \_\_\_\_\_, in said county, *as the case may be.*) And the superintendents hereby award to the overseers of the town of \_\_\_\_\_ the sum of (*here insert a sum not exceeding \$10*), costs of said proceeding by them in this behalf expended.

Certified under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

A. B., }  
C. D., } *Superintendents of the Poor.*

## No. 15.

*Order of the overseers of a town to remove a poor person to the county poor-house, under § 54.*

County of \_\_\_\_\_, ss:

A. B., having applied for relief to the overseers of the poor of the town of \_\_\_\_\_, who having inquired into the state and circumstances of the applicant, and it appearing that he (or, she) is in such indigent circumstances as to require permanent relief and support, and can be safely removed, the undersigned, overseers, hereby order the said A. B. to be removed to the county poor-house, to be relieved and provided for, as the necessities of such applicant may require, at the expense of the said county (or, town,

# APPENDIX.

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according to the fact, if in a county where the towns are required to support their own poor.)

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

A. B., }  
C. D., } *Overseers of the Poor.*

[It is not necessary that this order should be carried into effect by a constable, or any officer of that description. The overseers may allow the applicant to be removed in the most convenient and least expensive mode; and this order is to be regarded, rather as evidence that the poor person is entitled to be received and maintained in the poor-house than as a compulsory process, requiring in its execution the intervention of a constable.]

## No. 16.

The certificate of the keeper of the poor-house for the expense of removing a pauper, as required by § 55, may be given in the following form:

<p>§2. TREASURER OF MADISON COUNTY.</p> <p>Pay A. B. two dollars _____ cents for transporting C. D. from _____ being _____ miles, to Madison county poor-house.</p> <p>EATON, MAY 30, 18 ____.</p> <p>No. 30.</p>	<p>§2. TREASURER OF MADISON COUNTY.</p> <p>This certifies that A. B. is entitled to, _____ two dollars _____ cents, at the rate prescribed by the superintendents, for transporting C. D. from the town of _____ to Madison county poor-house, being _____ miles.</p> <p>EATON, MAY 30, 18 ____.</p> <p>No. 30.</p> <p>(Countersigned),</p> <p>C. D., } E. F., } <i>Superintendents.</i></p>
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[These certificates are kept in the manner of a check book.]

## No. 17.

*Superintendents' order to pay expenses incurred by overseers previous to the removal of a pauper, § 55.*

To the Treasurer of the county of \_\_\_\_\_

Pay to the overseers of the poor of the town of \_\_\_\_\_, in said county, \_\_\_\_\_ dollars, a sum which was necessarily paid out, or contracted to be paid for the relief or support of A. B., a pauper,



previous to his removal to the county poor-house, and which sum the undersigned, superintendents of the poor of the said county, judged was reasonably expended by the said overseers, before the said pauper could properly be removed, and charge the same to the county (or, if a town pauper, to the town of \_\_\_\_\_, in said county.)

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

A. B., }  
C. D., } *Superintendents of the Poor.*

No. 18.

*Justice's order for a pauper who requires temporary relief, &c., § 57.*

The overseers of the poor of the town of \_\_\_\_\_ having applied to the undersigned, a justice of the peace of said town, relative to A. B., a person applying to them for relief, and having examined into the facts and circumstances, and it appearing that the said A. B., so applying, requires only temporary relief, (or, is sick, lame, or otherwise disabled, so that he or she cannot be conveniently removed to the county poor-house,) the undersigned hereby orders the said overseers to apply \_\_\_\_\_ dollars per week for the relief of the said A. B., until they have expended the sum of ten dollars, or such sum less than that amount as may be found sufficient for the temporary relief of the said poor person, A. B.\*

Given in said town, the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

C. D., *Justice.*

[Under this section, as amended by chap. 236 of 1834, and by sec. 1, of chap. 160, of 1845, the overseers have the discretionary right to expend a sum not exceeding \$10, without any order from a justice of the peace. They may, therefore, obtain the order or not, as they deem proper. After exhausting the ten dollars, the overseers should then apply to a superintendent, if the poor person is still unable to be removed. When thus applied to, the superintendent should himself examine into the facts and circum-

\* If in a county where the towns support their own poor, it is necessary for the justice to ascertain and certify whether the poor person is a county or town pauper, and in such cases he should add to the order as follows: "It was ascertained from the said examination that the said A. B. had a legal settlement in the town of \_\_\_\_\_, in said county, (or, that he had no legal settlement in any town in said county, as the case may be.)" This is indispensable, to enable the overseers to carry into effect the requirements of § 57, by charging the amount specified in the order to the county or town, according to the facts in the case.

stances of the case, both as to his legal settlement and condition of his health, and if he is satisfied that the person in question cannot properly be removed to the county poor-house, and that a further sum is necessary for his relief, the superintendent will determine what further sum shall be expended, and give his written sanction in the following form:]

County of \_\_\_\_\_, ss:

The undersigned, one of the superintendents of the poor of the county of \_\_\_\_\_, having been applied to by the overseers of the poor of the town of \_\_\_\_\_, in said county, to give his sanction for the expenditure of a greater sum than ten dollars for the relief of A. B., as authorized by the justice's order hereunto annexed, and having inquired into the facts of the case, and being satisfied that the said A. B. cannot properly be removed to the county poor-house, and that he is in need of further relief, hereby gives his sanction to the continuance of the weekly allowance specified in said order, until the expenditure amounts to \$ \_\_\_\_\_ over and above the sum of ten dollars authorized by the justice's order in this case, and to be charged to the county, (or, town,) as specified in said order.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

A. B., Superintendent of the Poor.

No. 19.

*Order for a pauper's relief where no county poor-house or other place has been provided for the reception of the poor, § 58.*

County of \_\_\_\_\_, ss:

Application for relief having been made by A. B. to the undersigned, overseers of the poor of the town of \_\_\_\_\_, they, with the assistance of the undersigned, E. F., a justice of the peace of the same town, having inquired into the facts and circumstances of the case, find that the said A. B. has a legal settlement in the town of \_\_\_\_\_, in said county, (or, has not any legal settlement in any town in said county;) they therefore hereby order, pursuant to the provisions of § 43, (sec. 58,) title 1, chap. 20, part 1, of the Revised Statutes of this state, the following allowance to the said A. B., weekly, (or, otherwise, to be here stated,) to wit, \$ \_\_\_\_\_, which the said justice and the said overseers (or, "one of the said

overseers,") think required by the necessities of the said poor person, A. B.

Given under our hands, in the town of , this  
day of , 18 .

A. B., }  
C. D., } Overseers.  
E. F., Justice.

[If the pauper has a legal settlement in any town in the county, the foregoing order will authorize the treasurer of the county to pay the sum, advanced on it by the overseers, out of the funds in his hands belonging to such town. § 59. If he has no legal settlement in any town in said county, the overseers will, without delay, give notice to one of the superintendents, according to the following form (No. 20), and, until the superintendents take charge of the poor person, will provide for his support; and the sums thus expended will be paid by the county treasurer as a county charge. § 60.]

#### No. 20.

#### *Notice of overseers of a town to a superintendent, under § 60.*

To , a superintendent of the poor of the county of

You are hereby notified that, on the application of A. B., a poor person, for relief, the undersigned, overseers of the poor of the town of , in said county, with the assistance of C. D., a justice of the peace of said town, inquired into the facts and circumstances of the case, and found that the said pauper had no legal settlement in any town in said county; and until the county superintendents take charge of said pauper, the overseers will provide for his support, and an account for the expense thereof from the time of the service of this notice will be presented as a charge against said county.

Given under our hands, at , this day of , 18 .

E. F., }  
G. H., } Overseers of the Poor.

[After service of notice on the superintendent, one of the overseers should make an affidavit of the time and the person on whom the same was served, and annex the same to the order made by the overseers and justice. This order and affidavit are the vouchers on which payment is to be made to the overseers by the county

treasurer. § 60. The affidavit may be as follows, and should be annexed to a copy of the notice served on the superintendent.]

County of , ss:

E. F., one of the overseers of the poor of the town of , being sworn, says that a notice, of which the annexed is a copy, was by him served on J. K., one of the superintendents of the poor of said county, on the day of , 18 .

Sworn before me this }  
day of , 18 . }

E. F.

No. 21.

*Notice of the improper removal of a pauper from another county, under § 75.*

County of , ss:

To the superintendents of the poor of the county of :

You are hereby notified that A. B., a poor and indigent person, hath been improperly sent (or, carried, transported, brought or removed, or enticed to remove, *as the case may be*,) from the said county of to the county of , without legal authority, and there left with intent to make the said county of , to which the said removal was made, chargeable with the support of the said pauper. You are therefore, pursuant to the provisions of § 59 (§ 75) title 1, chap. 20, part 1, of the Rev. Statutes of the State of New-York, required forthwith to take charge of such pauper.

Given at , in said county of , the day of , 18 .

A. B., } Superintendents of the poor of  
C. D., } the county of .

[If a town in the county from which the pauper has been removed is liable for his support, then the foregoing notice will be served on one of the overseers of the poor of such town, and the notice will be varied accordingly. Service of the notice on one superintendent is sufficient; and the person serving the notice should be able to make an affidavit as to the time of service, similar in form to No. 20. If the superintendents or overseers on whom the notice is served do not acquiesce in its allegations, they must, within thirty days after the service thereof, serve on the county superintendents from whom the same was received, or one of them, a notice, which may be in the following form.]

No. 22. — § 76.

County of \_\_\_\_\_, ss:

To the superintendents of the poor of \_\_\_\_\_ county.  
 You are hereby notified that the undersigned, superintendents  
 of the poor of the county of \_\_\_\_\_, deny the allegation con-  
 tained in your notice, of the supposed improper removal of A. B.,  
 as mentioned in your notice to the undersigned, in the manner and  
 with the intent in said notice alleged.

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.  
 A. B., } Superintendents of the poor of  
 C. D., } the county of \_\_\_\_\_.

[This notice may be used by the overseers of a town, in deny-  
 ing the allegation of the superintendents that their town is liable  
 for the support of the pauper, by so varying the form as to make  
 it applicable to overseers of a town, instead of superintendents of  
 a county.]

No. 23.

*Annual report of the superintendent of the poor of the county of \_\_\_\_\_  
 to the secretary of state, under § 92.*

The superintendents of the poor of the county of \_\_\_\_\_, in  
 pursuance of the provisions of the Revised Statute for "the relief  
 and support of indigent persons," present to the secretary of state  
 their annual report, as follows:

The whole number of paupers relieved or supported  
 during the year preceding the 1st of December,  
 instant, was .....

Of the whole number of persons thus relieved or  
 supported, the number of county paupers was .....

and the number of town paupers, was, .....

and the number of all such persons who were  
 temporarily relieved, was, .....

The aggregate expense of relieving and supporting  
 all such persons, was, ..... \$

Of this aggregate sum the amount expended for tem-  
 porary relief, was, ..... \$

The aggregate sum above mentioned is com-  
 posed of the following items of expenditure, viz:

*1st. Poor-house expenses.*

Paid to superintendents for their services, .....	\$
“ keepers and poor-house officers, .....	
“ constables and other officers, .....	
“ for supplies for the county poor-house, .....	
“ transportation of paupers, .....	
“ to physicians for attendance and medicines, ...	
“ for miscellaneous expenditures connected with the poor-house, .....	
Total amount of expenses connected with county poor-house, .....	\$

*2d. Expenses of administering temporary relief.*

Paid to overseers of the poor for their services, ....	\$
“ justices of the peace do do .....	
“ for relieving indigent persons temporarily, not including the two last items, .....	
Total amount expended for temporary relief, .....	\$

*Recapitulation of expenses.*

Poor-house expenses, .....	\$
Temporary relief, .....	
Making the above aggregate, .....	\$

The actual value of the labor of the paupers maintained, was, .....

The estimated amount saved in the expenses of their support, in consequence of their labor, was, .....

The sum actually expended, over and above the labor and earnings of the paupers, divided by the average number kept during the year, gives ..... dollars ..... cents per year, or ..... cents per week, as the actual expense of keeping each person.

The county poor-house has ..... acres of land attached to it.

The first cost of the land and the erections on it, was, .....

And the present estimated value of the whole establishment, is, .....

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The number of persons in the poor-house on the  
1st December, instant, was,.....

Of this number there were of females,.....  
males, .....

Of the females, there were of 16 years of age and  
under, .....

Of the males of the same age, .....

Of the whole number of persons in the poor-house on the  
1st of December, inst., there were foreigners;  
lunatics; idiots; and mutes. Of the mutes  
were between the ages of 12 and 25 years.

Of the persons relieved or supported during the year, there were  
foreigners; lunatics; idiots; and  
mutes. Of the mutes, were between the ages of 12 and  
25 years.

The number of paupers received into the poor-house  
during the year, was, .....

Born in the poor-house, .....

Died during the year, .....

Bound out, .....

Discharged, .....

Absconded, .....

The children in the poor-house over 5 and under 16 years of  
age, have been instructed months, and the whole number  
of children taught during the year, was

Given under our hands, at , this day of  
December, 18 .

} *Superintendents of the poor*

[In addition to the foregoing report, the superintendents of the  
poor are required, by § 1 of chap. 214 of 1842, as amended by  
chap. 100 of 1849, in the month of December, in each year, to  
report to the secretary of state, in such form as he shall direct,  
the sex and native country of every pauper relieved by them during  
the preceding year, together with the causes which have operated  
to render such person a pauper, &c. This report may be in the  
following form:]

## No. 24.

## Special Poor Report, under § 93.

No. 1. Native country of persons relieved or supported in the county of , during the year 18 .				No. 2. Causes of pauperism of persons relieved or supported in the county of , during the year 18 .			
COUNTRY.	MALE	FEMALE	TOTAL	CAUSES.	MALE	FEMALE	TOTAL
United States, .....				Intemperance, direct, .....			
Ireland, .....				Children having intemperate parents, ..			
England, .....				Wives having intemperate husbands, ..			
Scotland, .....				Debauchery, .....			
Germany, .....				Debauchery of parents, .....			
France, .....				Idleness, .....			
Canada, .....				Vagrancy, .....			
				Idiocy, .....			
				Lunacy, .....			
				Blindness, .....			
				Lameness, .....			
				Sickness, .....			
				Decrepitude, .....			
				Old age, .....			
				Deaf and dumb, .....			
				Indigent and destitute, .....			
				Children having destitute parents, ..			
				Children having sick parents, .....			
				Females having sick husbands, .....			
				Orphans, .....			
				Illegitimate children, .....			



## No. 25.

*Supervisor's report for a town where all the poor are not a county charge, made to the clerk of the board of supervisors. § 96.*

The supervisor of the town of \_\_\_\_\_, in the county of \_\_\_\_\_, reports to the clerk of the board of supervisors, under § 76 (§ 96), title 1, chapter 20, part 1 of the Revised Statutes, as follows:

The number of paupers relieved or supported in said town during the year preceding the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, as appears from the accounts of the overseers of the poor, was \_\_\_\_\_  
Of the persons thus relieved, the number of county paupers was, \_\_\_\_\_

The number of town paupers, \_\_\_\_\_  
The whole expense of such support was, \_\_\_\_\_ \$  
Allowance to overseers for support of county paupers, \_\_\_\_\_  
do do do town paupers, ..  
do do for their services, ..  
do do for transportation of paupers, ..  
do made to justices, ..  
do to physicians, for medicine and attendance, ..

Of the whole number of paupers relieved by the overseers during the year, they report that there were \_\_\_\_\_ foreigners; \_\_\_\_\_ lunatics; \_\_\_\_\_ idiots; and \_\_\_\_\_ mutes. The number of paupers under their charge, at the time of auditing their accounts, is stated at \_\_\_\_\_; of which \_\_\_\_\_ were males, and \_\_\_\_\_ females.

*(If there are any other charges they should be specified.)*

I hereby certify, that the foregoing is a correct abstract of the accounts of the overseers of the poor of the town of \_\_\_\_\_, for the year ending the \_\_\_\_\_ day of \_\_\_\_\_, as the same have been settled by the board of town auditors.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

A. B., Supervisor.

[The supervisor is one of the town auditors, and he is required, within fifteen days after the accounts of the overseers have been settled, to make a report to the supervisor's clerk, giving an abstract of all such accounts: And the clerk of the board of supervisors is required to deliver the said abstract to the county superintendents of the poor. By § 98 of title 1 of the foregoing laws, a neglect to perform this duty, either by a supervisor or clerk, sub-

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jects the delinquent to a penalty of one hundred dollars, and this penalty can only be avoided by a strict compliance with the statute. The overseers should keep their minutes, and make their report in such manner as to furnish the supervisor with the facts necessary for the foregoing report.]

No. 26.

*Form of account to be kept by overseers under § 117, title 1.*

(No. 1.)

NAME.	AGE.	SEX.	NATIVE COUNTRY.	CAUSES OF PAUPERISM OF PERSONS RELIEVED.
A. B.	40	Male.	United States,...	Intemperance, direct.
C. D.	33	Female.	Ireland, .....	Children having intemperate parents.
E. F.	30	Male...	England, .....	Debauchery.
G. H.	50	Male...	Germany, .....	Blindness.

(No. 2.)

Amount of moneys received.	When received.	From whom.	On what account.	Amount of moneys paid out.	When.	To whom.	On what authority.
\$10 00	June 10, 18 .	County Treasurer.	For temporary relief, .....	\$10 00	June 15, 18 .	A. B. ....	By order of C. D., Justice of the peace.
12 50	Sept., 18 .	E. F. ....	From the sale of the personal property of G. H., who had absconded, .....	12 50	Sept. 18 .	County Treasurer.	Pursuant to § 20 of title 1, of chap. 20 of part 1 of the Revised Statutes.

[The overseers are required to lay the book in which these entries are made, before the board of town auditors on the Thursday next preceding the annual meeting of the board of supervisors of their county, together with a just and true account of all moneys received and expended by them for the use of the poor since the last preceding meeting of the town auditors.]

## FORMS UNDER TITLE II.

## OF BEGGARS AND VAGRANTS.

By section 1 of this title it is made the duty of every constable or other peace officer, whenever required by any person, to carry a vagrant before a justice of the peace of the same town, or, if he be found in a city, before the mayor, recorder, or an alderman, for the purpose of examination. For such arrest, no process is required.

But it is perhaps better that the offender should in all cases be proceeded against by complaint and warrant. The following forms may be used for that purpose :

## No. 27.

*Form of Complaint.*

County of \_\_\_\_\_, ss :

A. B., of the town of \_\_\_\_\_, in said county, being sworn, makes oath and complains before C. D., one of the justices of the peace of said town, that E. F. is now in said town, and is an idle person, not having visible means to maintain himself, and living without employment ; and is, as deponent believes, a vagrant, within the meaning and intent of the statute in such case made and provided.

A. B.

Subscribed and sworn before me, }  
 this \_\_\_\_\_ day of \_\_\_\_\_ }  
 C. D., Justice.

## No. 28.

*Form of Warrant.*

County of \_\_\_\_\_, ss :

To any constable of said county, GREETING :

Whereas A. B., of \_\_\_\_\_, in said county, has this day made complaint on oath, before me, the undernamed justice of the

peace of said town, that E. F., &c. (*Here set forth the complaint.*) You are therefore hereby commanded, in the name of the People of the State of New-York, forthwith to arrest the said E. F., and bring him before me, the said justice, at my office in aforesaid to answer to said complaint, and to be otherwise dealt with in the premises as the law requires.

Given under my hand, at                      aforesaid,                      , 18 .  
C. D., Justice.

[When the person charged as a vagrant is brought before the justice, either with or without process, the justice must take his examination, and hear the proofs offered; and if, upon his confession or by competent testimony, he is found to be a vagrant, within the description of the statute, the justice must make and sign a record of his conviction. If the justice find that the vagrant is not a notorious offender, and is a proper subject for relief, he can commit him to the county poor-house, if there be one, and if not to the alms-house or poor-house of the town or city, there to be kept at hard labor for a term not exceeding six months. If the offender be an improper person to be sent to the poor-house, then he must be committed to the bridewell or house of correction, if there be one, and if not to the common jail of the county, for a term not exceeding sixty days, and to be kept, if the justice think proper so to direct, upon bread and water only, for a time ~~not exceeding one-half of the time for which he shall be committed.~~]

No. 29.

*Form of record of conviction of a vagrant. § 3.*

County of                      , ss :

Be it remembered, that John Stiles is now, at this day, brought before me, the undernamed justice of the peace of the town of                      , in said county, at                      aforesaid, upon the charge and accusation that said John was found in said town an idle person, not having visible means to maintain himself, and living without employment (*or, as the case may be*), and a vagrant within the intent and meaning of the provisions of title second of chapter twentieth of the first part of the Revised Statutes: and ~~and~~ the said justice, being satisfied upon due and personal examination of said John, and by his confession now before me had and made, (*or, "satisfied upon due and personal examination of said*

John, and upon competent testimony, now before me had and given," that said charge and accusation are in all respects true, the said John is, therefore, duly convicted before me of being a vagrant, within the true intent and meaning of said statute; and it appearing to me that said John is not a notorious offender, and that he is a proper object for relief, I adjudge and determine that said John be committed to the county poor-house of said county (*or*, the alms-house or poor-house of the town) for the term of forty days, there to be kept at hard labor (*or*, it appearing to me that said John is an improper person to be sent to the poor-house, I do therefore adjudge and determine that said John be committed to the common jail of said county, or the bridewell or house of correction) for the term of thirty days, and to be kept for the first fifteen days of said term on bread and water only.

In witness whereof, I have hereunto set my hand and seal, this  
day of                      , 18                      .

Justice. [L. S.]

[The record of conviction must be filed in the county clerk's office.]

No. 30.

*Form of Commitment. § 3.*

County of                      , ss:

To any constable of said county, GREETING:

Whereas, John Stiles has been this day duly convicted before me, the undersigned justice of the peace of the town of                      , in said county, of being a vagrant; and inasmuch as it appeared to me that said John is not a notorious offender, and is a proper subject of relief (*or*, that said John is an improper person to be sent to the poor-house), I did, upon such conviction, adjudge that said John be committed as hereinafter expressed. You are therefore hereby commanded, in the name of the People of the State of New-York, to convey the said John to the county poor-house (*or*, alms-house or town poor-house), the keeper whereof is required to keep the said John therein at hard labor for forty days; (*or*, to convey the said John to the common jail of the said county, the keeper whereof is required to detain the said John in safe custody therein for the term of thirty days, and to be kept for the first ten days of said term on bread and water only.)

Given under my hand and seal, at

, 18                      .  
Justice. [L. S.]

[By sec. 29 of title 7 of chapter 2 of part 4 of the Revised Statutes, the justice by whom the vagrant is committed may cause him to be searched, and if any property is found, it may be applied to his support while in confinement.]

When any child is found begging, or soliciting charity from door to door, or in any street, highway or public place, any justice of the peace, upon complaint and proof thereof, is required to commit such child to the poor-house, &c. The following form of warrant may be used for that purpose :

---

No. 31.

*Form of warrant to commit a child to the county poor-house, under § 4.*

County of \_\_\_\_\_, ss :

To any constable of said county, GREETING :

Whereas, complaint has this day been made, and the proof thereof given to me, one of the justices of the peace of said county, that a child of the name of A. B. has been found in the town of \_\_\_\_\_, in said county, begging for alms. You are therefore hereby commanded, in the name of the People of the State of New-York, to convey the said child to the poor-house of said county (or, town, or the alms-house of said city), the keeper whereof is required to detain, keep, employ and instruct said child in such useful labor as said child shall be able to perform, until discharged therefrom by the county superintendents of the poor, or bound out as an apprentice by them, (or, by the commissioners of such alms-house, or by the overseers of the poor.)

Given under my hand and seal, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 . .

Justice. [L. S.]

By section 5 of title 4 of chapter 8 of part 2 of the Revised Statutes (*see ante page 109*), county superintendents of the poor may bind out any male child under the age of twenty-one years, and any female child under the age of eighteen years, who has been sent to the poor-house, or who has become chargeable, or whose parent or parents have become chargeable, to such county, to be a clerk, apprentice or servant. The following form of an indenture may be used by the superintendents :

Whereas, A. B., a male child,                      years of age, hath been sent to the county poor-house in the county of                      , in the State of New-York: Now, therefore, this indenture, made the day of                      , 18                      , between                      and                      county superintendents of the poor of the said county, of the first part, and C. D., of                      , in the county of                      , of the second part, witnesseth, that the said parties of the first part, in consideration of the provisions of the statute in relation to children supported by the public, and of the covenants hereinafter contained, do hereby bind the said A. B. to the said C. D., to serve as apprentice (or, clerk) to the trade of                      (or, employment or profession), until                      (*Here insert a time, not exceeding the time when the boy will be twenty-one, or, if a girl, eighteen.*) And the said party of the second part, in consideration of the above, and of \$                      to him paid (or, agreed to be paid), as hereinafter stated in relation to the said binding out of the said apprentice (or clerk), hereby, for himself, his heirs, executors and administrators, covenants to and with the said party of the first part, that (*Here state the whole agreement.*) And the said C. D. further covenants and agrees, that he will cause such child to be instructed to read and write, and also in the general rules of arithmetic; and he further agrees that he will give to such apprentice, at the expiration of his service, a new bible.

C. D.,  $\left. \begin{array}{l} \text{[L. s.]} \\ \text{[L. s.]} \\ \text{[L. s.]} \end{array} \right\} \text{Superintendents of the Poor.}$

[By the 6th section of the title and chapter above specified, overseers of the poor of any town or city may, in like manner, bind out such child who, or whose parent or parents, shall become chargeable to such town or city, or who shall have been sent to any poor-house other than the county poor-house, with the consent, in writing, of any two justices of the peace of the town, or of the mayor, recorder and aldermen of any city, or any two of them. The following form of indenture may be used in such cases:]



## No. 33.

*Form of indenture for binding out a child by overseers of the poor.*

Whereas, the parents of A. B., a female child,        years of age, hath become chargeable to the town of       , in the county of       : Now, therefore, this indenture, made the        day of       , 18       , between C. D. and E. F., overseers of the poor of said town (or city), of the first part, and G. H., of the town of       , in the county of       , of the second part, witnesseth, that the said parties of the first part, in consideration of the provisions of the statute in relation to children supported by the public, and of the covenants hereinafter contained, do hereby bind the said A. B. to the said party, G. H., to serve in the employment of mantua-making (or, other service, as the case may be), until the        day of        (Here insert a period not exceeding a time when the girl will be eighteen years of age.) And the said party of the second part, in consideration of the service of the said A. B., hereby, for himself, his heirs, executors and administrators, covenants to and with the said overseers of the poor, that (Here state the conditions of the agreement.) And the said G. H. further covenants and agrees that he will cause the girl named in this indenture to be instructed to read and write, and at the expiration of her service will give her a new bible.

C. D., }  
E. F., } Overseers of the Poor.  
G. H., }

County of       , ss:

The undersigned, two justices of the peace of the town of       , in said county, having informed themselves fully of the age of the within-named A. B., whose true age is        years, and is correctly stated in the within indenture, hereby give their consent to the binding out of the said A. B., according to the within indenture.

I. J., }  
K. L., } Justices.

[The counterpart of this indenture must be filed in the office of the clerk of the city or town.

The overseers can vary the form, so as to adapt it to a male whose time of service may be extended until he is twenty-one years of age; and in the covenant in regard to education, "arithmetic" is to be included.]

## FORMS UNDER TITLE III.

## RELATING TO THE SAFE KEEPING AND CARE OF LUNATICS.

If the committee or relatives of a lunatic or mad person refuse or neglect to confine or maintain such person, or if such person has no committee or relative of sufficient ability, it is the duty of the overseers of the poor of the town or city, where such lunatic or mad person may be, to apply to any two justices of the peace of the same town or city for a warrant to apprehend and confine such person. § 4. If the justices, upon examination, are satisfied that it would be dangerous to permit such lunatic to go at large, they shall issue a warrant for his apprehension. The warrant may be in the following form:

No. 34.

*Form of warrant to confine a lunatic, under § 4.*

County of \_\_\_\_\_, ss:

To the constables and overseers of the poor of the town of \_\_\_\_\_, in said county:

A. B., a lunatic, having been found in said town so far disordered in his senses as to endanger his own person (or, the person or property of others), if permitted to go at large, and no provision having been made, either by the relatives or any committee, for confining or maintaining such lunatic, the undersigned, two of the justices of the peace of said town (or, city), on the application of the overseers of the poor of said town (or, upon our own view, § 8), being satisfied, upon examination (or, upon information on oath to us given), that the said A. B. should be forthwith confined: You are, therefore, hereby commanded to cause the said lunatic to be safely locked up in such secure place as said overseers may provide, in conformity to law.

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_

C. D., }  
E. F., } *Justices.*

[By sec. 16, it is provided that the lunatic shall be sent within ten days to the State Lunatic Asylum, or to such public or private asylum as may be approved by a standing order or resolution of the supervisors of the county. The confinement cannot be for a period exceeding ten days; and the overseers are strictly enjoined to see that the provisions of the statute authorizing such confinement are carried into effect, in all cases, in the most humane and speedy manner. By sec. 14, county superintendents of the poor have all the powers and authority given to overseers of a town. If the lunatic, or any friend in his behalf, be dissatisfied with the decision of the justices or of any overseer or superintendent of the poor, under this title, he may, within three days after such decision, appeal to the county judge, and have the question of lunacy tried by a jury.]

---

No. 35.

*Application to county judge, and affidavit in behalf of a lunatic in indigent circumstances, not a pauper under § 20.*

To the Hon. A. B., county judge of the county of

The petition of C. D., of the town of , in said county, respectfully sheweth: That E. F., now a resident of the said town, is, and for the term of years last past has been, a lunatic; that he is now in the care and custody of G. H., at the town aforesaid; that he is in indigent circumstances, and has no property in his own possession, or held by any person in trust for him, sufficient for his support (or, for the support of himself and family), under the visitation of insanity aforesaid. Your petitioner therefore prays that an examination and investigation may be had in the premises, pursuant to the provisions of the act entitled "An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane," passed April 7, 1842, &c.

C. D.

County of , ss:

C. D., of said county, being duly sworn, says that the facts and circumstances stated and set forth in the foregoing petition, by him signed, are true.

C. D.

Subscribed and sworn before me, }  
the day of , 18 . }  
Justice.

[Upon receiving such petition, it is the duty of the county judge to call two respectable physicians, and other credible witnesses, and investigate all the facts of the case. For the purpose of procuring the attendance of the physicians and witnesses, the following forms of an order and subpoena may be used :]

No. 36.

*Order of judge on the foregoing petition.*

In the matter of E. F., an alleged }  
indigent lunatic : }

Upon the petition of C. D., of the town of \_\_\_\_\_, in the county of \_\_\_\_\_, herein presented to me, and duly verified, it is ordered: That J. T. P. and D. D., two respectable physicians of the said county, be hereby designated and appointed, pursuant to the provisions of the act entitled, &c. (*as in the next preceding form*), to examine the said E. F., in respect to his alleged insanity, within \_\_\_\_\_ days after they shall be respectively served with a copy of this order, certified by me; and that they appear before me at my office in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ instant (*or, next*), at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, and certify their respective opinions in relation thereto; and that, at the time and place aforesaid, other witnesses be examined touching the mental condition and pecuniary circumstances of the said E. F. And it is further ordered that \_\_\_\_\_ days' notice of such examination be given to one of the overseers of the poor of said county, (*or, to one of the overseers of the poor of the town of \_\_\_\_\_, if such expense is chargeable to the town.*)

A. B.,  
County Judge of the county of \_\_\_\_\_.

[The notice to the superintendent or overseer, may be such time as the judge may deem reasonable, § 33.]

## No. 37.

*Subpena to witnesses.*

County of \_\_\_\_\_, ss :

To E. F., O. P., &amp;c., of said county, GREETING :

You, and each of you, are hereby commanded, in the name of the People of the State of New-York, to appear before me, at my office in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ instant (*or*, next), at o'clock in the \_\_\_\_\_ noon, to testify what you, or either of you, may know touching the mental condition and pecuniary circumstances of E. F., now of the town of \_\_\_\_\_, in said county.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

A. B.,

*County Judge, &c.*

## No. 38.

*Certificate of physicians, and affidavit.*

In the matter of E. F., an alleged }  
indigent lunatic: }

We do hereby certify that, in pursuance of the order of A. B., county judge of the county of \_\_\_\_\_, made in the above entitled matter, and bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 18 , we have carefully examined into the mental state and condition of E. F., above named, and particularly in reference to his alleged insanity; and that in our opinion, derived from such examination, the said E. F. is a confirmed lunatic.

Given under our hands, this \_\_\_\_\_ day of \_\_\_\_\_, 18 .  
J. T. P.,  
D. D.

County, ss :

J. T. P. and D. D., of said county, being by me severally sworn, depose and say, and each for himself deposes and says, that the facts stated and set forth in the foregoing certificate, by them signed, are true.

J. T. P.,  
D. D.

Subscribed and sworn to before me, }  
this \_\_\_\_\_ day of \_\_\_\_\_, 18 . }

*Justice.*

No. 39.

*Certificate of judge.*

In the matter of E. F., }  
 an alleged indigent lunatic: }

Application having been made to me by C. D., of the town of \_\_\_\_\_, in the county of \_\_\_\_\_, for an examination into the mental state and condition and alleged indigence of E. F., of the said town of \_\_\_\_\_, under the provisions of the act, entitled, &c. (as in No. 35); I thereupon appointed J. T. P. and D. D., two respectable physicians of the said county, to examine said E. F., who have appeared before me, and certified that the said E. F. is a confirmed lunatic; and I have also taken the depositions of witnesses touching the indigence of the said E. F.: Now, therefore, I do hereby adjudge and certify that it satisfactorily appears to me, from said certificate and depositions, that the said E. F. is a lunatic, that he became insane within one year next prior to the date hereof, and that he has no estate of any kind, either in possession or held by any person in trust for him, sufficient for his support (or, for the support of himself and family), under the visitation of insanity as aforesaid.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_,  
 A. B., County Judge, &c.

[Upon this certificate, authenticated by the county clerk and the seal of the county court, the lunatic may be admitted into the State Lunatic Asylum, and supported at the expense of the county, until he is restored to soundness of mind, if effected in two years. The county judge is required to file the certificate of the physicians, taken under oath, and other papers, with a report of his proceedings and decision, with the clerk of the county, and report the facts to the supervisors, whose duty it shall be, at their next annual meeting, to raise the money requisite to meet the expenses of support accordingly. § 26. The judge may, in his discretion, send him either to the State Lunatic Asylum, or to the county poor-house. § 34.]

## FORMS UNDER TITLE IV.

## OF THE CARE OF HABITUAL DRUNKARDS.

## No. 40.

*Designation of drunkard, and notice to tavern keepers, &c., under § 1.*

County of \_\_\_\_\_, ss :

The undersigned, overseers of the poor of the town of \_\_\_\_\_, in said county, having discovered A. B., of said town, to be an habitual drunkard, do hereby, pursuant to section 1, title 4, chap. 20, part 1, of the Rev. Statutes, designate him as an habitual drunkard, and describe him as follows : (*Here describe him.*) And every merchant, distiller, shop keeper, grocer, tavern keeper, or other dealer in spirituous liquors, is required not to give or sell, under any pretence, any spirituous liquors to the said A. B.

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

C. D., }  
E. F., } *Overseers of the Poor.*

[Copies of the foregoing notice, signed by the overseers, should be directed to and served personally on all persons who are required to obey its directions. The person designated as a drunkard may contest the fact before a jury. For that purpose, he must apply to a justice of the peace of his town for a venire. Upon such application, the justice is required to give immediate notice to the overseers of the poor, of the time and place which he shall fix upon to try the question ; and to issue a venire.]

## No. 41.

*Form of notice to overseers. § 7.*

To the overseers of the poor of the town of \_\_\_\_\_

You are hereby notified that A. B., who has been designated by you as an habitual drunkard, has applied to me for process to summon a jury, and try and determine the fact of such drunken-

ness ; and that I have fixed upon the       day of       instant,  
at       o'clock in the afternoon, at my office in said town, as  
the time and place for such trial.

Dated       , 18       .

J. K., *Justice of the Peace.*

---

No. 42.

*Form of venire. § 7.*

County of       , ss :

To any constable of the town of       , in said county,

GREETING :

You are hereby commanded, in the name of the People of the State of New-York, to summon a jury of twelve persons, competent to serve as jurors, to appear at my office in       aforesaid, on the       day of       instant, at       o'clock in the afternoon, to try the fact whether A. B. of said town is an habitual drunkard, he having been designated as such by the overseers of the poor of said town ; and have then there a panel of the names of the jurors you shall so summon, and this precept.

Given under my hand, at       , this       day of       , 18       .

J. K., *Justice of the Peace.*

[Witnesses may be summoned and sworn, and their testimony enforced in the same manner as in justices' courts.]

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No. 43.

*Form of subpoena. § 8.*

County of       , ss :

To John Doe, Richard Roe, &c., GREETING :

You are hereby commanded, in the name of the People of the State of New-York, to appear before me, the undernamed justice of the peace, at my office, in the town of       , in said county, on the       day of       instant, at       o'clock in the afternoon, to give evidence touching the fact of the habitual drunkenness of A. B. ; he having been designated by the overseers of the poor of said town as an habitual drunkard, and the said A. B. having demanded a jury to try such alleged fact.

Given under my hand, at       , this       day of       , 18       .

J. K., *Justice.*



[The jury are to be summoned, returned, and six balloted for, as in suits in justices' courts. The six drawn must be sworn and sit as a jury.]

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No. 44.

*Form of juror's oath.*

You do swear that you will well and truly try the fact of the alleged habitual drunkenness of A. B., and a true verdict give according to evidence.

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No. 45.

*Oath to witness.*

You do swear that the evidence you shall give, touching the fact of the alleged habitual drunkenness of A. B., shall be the truth, the whole truth, and nothing but the truth.

[The verdict of the jury must be entered by the justice in a book provided by him for the purpose. If it be found that the person designated is an habitual drunkard, the justice must enter judgment against him, and award execution for the costs of the overseers of the poor, as in civil cases. § 11.]

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No. 46.

*Execution against the drunkard.*

County of \_\_\_\_\_, ss:

To any constable of said county, GREETING:

Whereas, A. B., of \_\_\_\_\_, in said county, was designated and described by the overseers of the poor of said town as an habitual drunkard; and by the verdict of a jury, duly empaneled, drawn and sworn, before me, the undersigned justice, upon the application of the said A. B.,\* it is found that he is an habitual drunkard; whereupon, I did render judgment against said A. B. for the costs of the said overseers in attending the trial, amounting to the sum of \_\_\_\_\_

dollars. You are therefore hereby commanded, in the name of the People of the State of New-York, to levy the said costs of the goods and chattels of the said A. B. (excepting such goods and chattels as are exempt by law from execution), and bring the money which you shall collect, within thirty days from the date hereof, before me, at my office in \_\_\_\_\_, to render to said overseers; and if no such goods and chattels, or not sufficient to satisfy this execution, can be found, you are further required to take the body of the said A. B. and convey him to the common jail of said county, there to remain until this execution be paid, or he be thence discharged according to law.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

J. K., *Justice of the Peace.*

[If a verdict be rendered in favor of the person designated as an habitual drunkard, the justice must enter judgment and award execution in his favor for costs against the overseers, unless it appears to the justice that the overseers acted in good faith, and had reasonable cause to believe such person an habitual drunkard; in which case, no costs can be awarded against them.]

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No. 47.

*Execution against the overseers.*

County of \_\_\_\_\_, ss:

To any constable of said county, GREETING:

Whereas, A. B., &c. (as in No. 46, to the \*, and then add), it is found that he is not an habitual drunkard; and inasmuch as it appears to me that the said overseers of the poor did not act in good faith, and that they had no reasonable cause to believe the said A. B. to be an habitual drunkard, I have entered judgment against the said overseers of the poor for the costs of said A. B., amounting to the sum of \_\_\_\_\_ dollars. You are therefore commanded, in the name of the People of the State of New-York, to levy the said costs, &c. (*Draw the residue of the execution as in ordinary cases.*)

J. K., *Justice of the Peace.*

## No. 48.

*Revocation by the overseers when a drunkard reforms. § 14.*

County of \_\_\_\_\_, ss:

The undersigned, overseers of the poor of the town of \_\_\_\_\_, being satisfied that A. B., respecting whose drunkenness a notice has heretofore been given by the overseers of the poor of said town, has reformed and become temperate, hereby revoke and annul the notice given in the case of the said A. B., aforesaid.

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

C. D., }  
E. F., } *Overseers of the Poor.*

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FORMS UNDER TITLE V.

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OF DISORDERLY PERSONS.

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No. 49.

*Complaint against a disorderly person. § 2.*

County of \_\_\_\_\_, ss:

To \_\_\_\_\_, Esq., a justice of the peace for the town of \_\_\_\_\_, in said \_\_\_\_\_ county:

A. B., of said town, being duly sworn, says that C. D. is, as the said deponent believes, a disorderly person, within the meaning of the statute in such case made and provided; in this, to wit: that the said C. D. (*insert the facts on which the charge is founded, and conclude as in No. 27.*)

[Upon the complaint, the justice is required to issue his warrant to apprehend the offender and bring him up for examination. The warrant may be in the same form as in No. 28, except that it is drawn in accordance with the charge in the complaint. Upon the examination of the offender, if the charge is sustained by his own confession, or by competent testimony, the justice may require him to find sureties for his good behavior for one year.]

## No. 50.

*Recognizance of a disorderly person. § 2.*

County of \_\_\_\_\_, ss:

We, C. D., E. F., and G. H., of \_\_\_\_\_, in said county, acknowledge ourselves indebted to the People of the State of New-York, that is to say, the said C. D., in the sum of \_\_\_\_\_ dollars, and the said E. F. and G. H., each in the sum of \_\_\_\_\_ dollars, to be respectively made and levied of our several goods and chattels, lands and tenements, to the use of the said people, if default shall be made in the condition following:

The condition of this recognizance is such, that if the said C. D. shall be and continue of good behavior towards the People of the State of New-York, for the space of one year from and after this date, then such recognizance to be void; otherwise of force.

C. D. [L. s.]  
E. F. [L. s.]  
G. H. [L. s.]

Taken, subscribed and acknowledged before me, this  
day of \_\_\_\_\_, 18 \_\_\_\_\_.

L. M., Justice, &c.

[If the offender do not find sureties, the justice must make and sign a record of his conviction, and commit him to jail. The forms of a record of conviction and commitment, given in Nos. 29 and 30, may easily be varied so as to be applicable to this proceeding. After the offender is committed to jail, he may be discharged by any two justices of the peace of the county, upon giving sureties for his good behavior.]

## No. 51.

*Form of discharge. § 6.*

County of \_\_\_\_\_, ss:

To the keeper of the common jail of said county, GREETING:  
Whereas, C. D. was lately committed to your custody in said jail by the warrant of L. M., a justice of the peace of said county, upon the conviction of the said C. D. before the said justice of being a disorderly person, and upon the failure of said C. D. to

procure sureties for his good behavior, according to law; and whereas, the said C. D. has given such sureties as were originally required by said justice from him: Now, therefore, we, being two justices of the peace of said county, do require you, forthwith, to discharge the said C. D. out of your custody in said jail, under his commitment, as aforesaid.

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

L. M., }  
N. O., } *Justices.*

No. 52.

*Jailor's report relative to disorderly persons: § 7.*

County of \_\_\_\_\_, ss:

To the court of sessions of said county:

The following is a list of the persons committed as disorderly persons to the common jail of said county, since the last session of the said court, and now in custody of the undersigned, with the nature of their offences, the names of the justices committing them, and the time of imprisonment, to wit:

List of persons so committed and now in custody.	Nature of their offences, respectively.	Names of the justices committing them.	The time of imprisonment.

Dated at \_\_\_\_\_, in said county, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

J. C., *Keeper of the Jail of said county.*

## FORMS UNDER TITLE VI.

## OF THE SUPPORT OF BASTARDS

No. 53.

*Application of the superintendents or overseers of the poor relative to a bastard. § 5.*

County of \_\_\_\_\_, ss :

To G. H., Esq., a justice of the peace of said county :

E. B., having been delivered of a bastard child, which is chargeable (*or*, likely to become chargeable) to the said county, (*or*, to the town of \_\_\_\_\_, in said county;) (*or*, E. B. being pregnant of a child likely to be born a bastard, and to become chargeable, &c.) the undersigned, a superintendent of the poor of said county (*or*, overseer of the poor of said town), pursuant to the statute in such case made and provided, makes application to you to make inquiry into the facts and circumstances of the case.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

C. D.,

*Superintendent of the Poor.*

No. 54.

*Examination before birth. § 6.*

County of \_\_\_\_\_, ss :

E. B., of the town of \_\_\_\_\_, in said county, being duly sworn, says that she is now with child, and that the child of which she is pregnant is likely to be born a bastard, and to become chargeable to said county (*or*, to the town of \_\_\_\_\_, in said county); and that C. D., of \_\_\_\_\_, is the father of said child.

E. B.

Subscribed and sworn, this \_\_\_\_\_ day }  
of \_\_\_\_\_, 18 \_\_, before me. }  
G. H., Justice.

## No. 55.

*Examination after birth. §6.*

County of \_\_\_\_\_, ss:

E. B., of the town of \_\_\_\_\_, in said county, being duly sworn, says that, on the \_\_\_\_\_ day of \_\_\_\_\_ last, she was delivered of a bastard child, which is chargeable (*or*, likely to become chargeable) to said county, (*or*, to the town of \_\_\_\_\_, in said county;) and that C. D., of \_\_\_\_\_, is the father of said bastard child.

E. B.

Subscribed and sworn, this \_\_\_\_\_ day }  
of \_\_\_\_\_, 18\_\_\_\_, before me. }

G. H., *Justice.*

[If other testimony than that of the mother is offered, the examination will be varied to suit the case.

The next proceeding is the issuing of the warrant to apprehend the reputed father and bring him before the justice. It can be issued only on the application of a superintendent or overseer of the poor.]

## No. 56.

*Warrant to apprehend reputed father. § 6.*

County of \_\_\_\_\_, ss:

To any constable of said county, GREETING:

Whereas, E. B., of \_\_\_\_\_, in said county, upon her examination on oath before me, the undersigned, a justice of the peace of said county, this day had, did declare that, &c. (*as in the examination*); and whereas, E. F., overseer of the poor of said town (*or*, one of the superintendents of, &c., *as the case may be*), in order to indemnify the said town (*or*, county) in the premises, has applied to me to inquire into the facts and circumstances of the case, and to issue my warrant to apprehend the said C. D., &c.: You are therefore hereby commanded, in the name of the People of the State of New-York, forthwith to apprehend the said C. D., and bring him before me, at my office in \_\_\_\_\_ aforesaid, for the purpose of having an adjudication respecting the filiation of such bastard child (*or*, of such child likely to be born a bastard).

Given under my hand, at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

G. H., *Justice.*

[If the person charged as the putative father resides in another county than that in which the warrant was issued, the justice issuing the warrant must direct, by endorsement thereon, the sum in which a bond shall be taken of the person so charged. § 7. The endorsement may be in the following form:]

"I, the within named justice of the peace, direct that the penal sum, in which any bond shall be taken of the within named C. D., shall be one thousand dollars.

G. H., *Justice.*"

[Before the warrant can be executed, it must be endorsed by some justice of the county where the person so charged resides. The endorsement is to be made upon proof of the handwriting of the justice who issued the warrant. The endorsement may be as follows:]

County of , ss :

The within warrant, with the endorsement made thereon, by the justice by whom it was issued, of the sum required to be put in the bond, having been presented to the undersigned, a justice of the peace of the county of , and proof having been made of the handwriting of the justice who issued the said warrant, the arrest of the said C. D. is hereby authorized, if he can be found within the county of

Dated at , this day of , 18 .

G. H., *Justice.*

[When the person charged is arrested, he must be taken before the justice who endorsed the warrant, or some other justice of the same county, in order that he may be discharged on executing the bond required by section 8 of title 6, if he shall elect so to do.]

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No. 57.

*Bond on arrest in foreign county. § 8.*

Know all men by these presents: That we, C. D. and R. F., of , in the county of , are held and firmly bound unto the People of the State of New-York, in the sum of



dollars, for the payment whereof to the said people we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this      day of      , 18      .\*

Whereas, the said C. D. has this day been brought before the undersigned, one of the justices of the peace of the county of      , by virtue of a warrant issued by G. H., one of the justices of the peace of the county of      , whereon the name of the said justice (or, of O. M., one of the justices of the peace of the said county of      ) is endorsed, with an authority to arrest the said C. D. in the said county of      ; in which warrant it is recited that E. B., of      , in said county of      , upon her examination; on oath, before the said G. H., justice, did declare herself pregnant of a child, which is likely to be born a bastard, and to become chargeable (or, did declare that she was, on the      day of      , at      aforesaid, delivered of a bastard child, which is chargeable) to said town (or, county); and upon the said warrant is endorsed the direction of the said G. H., that the penal sum in which any bond should be taken, of the said C. D., should be \$      : Now, therefore, if the said C. D., &c. (*Insert one of the conditions expressed in section 8, of title 6*), then the above obligation to be void, otherwise of force.

Sealed and delivered in presence }  
of, and the security approved }  
by me.

C. D. [L. s.]  
R. F. [L. s.]

M. B., Justice.

[If the person so apprehended does not execute such bond, it is the duty of the constable to take him before the justice who issued the warrant; or, if he be dead, or has vacated his office, or is absent, then before some other justice of the same town. Such justice must immediately call to his aid some other justice of the same county, and the two justices must then proceed, without unnecessary delay, to make examination of the matter. Either of the justices may issue subpoenas to compel the attendance of witnesses upon such examination.]

## No. 58.

*Form of subpoena. § 11.*

County of \_\_\_\_\_, ss:

To John Doe, Richard Roe, &c., GREETING:

You are hereby commanded, in the name of the People of the State of New-York, personally to appear before \_\_\_\_\_ and the undersigned, two of the justices of the peace of said county, forthwith (*or, as the case may be*), at the office of the undersigned, in \_\_\_\_\_, in said county, to testify what you do know touching the father of a bastard child wherewith E. B. alleges she is now pregnant (*or, which was lately born of E. B.*)

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

G. H., *Justice of the Peace.*

[If the justices, when convened, are not prepared to proceed, or the person charged requires delay, and assigns sufficient reasons therefor, they may adjourn the examination for a period not exceeding six weeks. If the adjournment is requested by the person charged, he must give a bond, with sureties for his appearance on the adjourned day, in such a penalty as shall be deemed a full indemnity for the expense of supporting the bastard and its mother.]

## No. 59.

*Bond on adjournment. § 12.*

Know all men, &c. (*as in No. 57, down to the \*, and then add*), the condition of this obligation is such that, whereas, the undersigned, C. D., has this day been brought before \_\_\_\_\_ and \_\_\_\_\_, two of the justices of the peace of said county, charged, upon the oath of E. B., of \_\_\_\_\_, aforesaid, as the reputed father of a bastard child, with which the said E. B. alleges she is pregnant (*or, of a bastard child lately born of the said E. B.*) And, whereas, at the request of the said C. D., and for sufficient reasons given, the said justices have determined to adjourn the examination and adjudication respecting such charge, upon the execution of this bond, until the \_\_\_\_\_ day of \_\_\_\_\_, inst., at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at the office of the said G. H., in \_\_\_\_\_ : Now, therefore, if the said C. D.

shall personally appear before the said justices, at the time and place last aforesaid, and not depart therefrom without leave, then this obligation is to be void, otherwise of force.

Sealed, &c., (as in No. 57.)

C. D. [L. s.]  
R. F. [L. s.]

[Upon the examination and hearing before the justices, the mother must be again examined on oath, in the presence of the reputed father; and such other testimony must be heard as may be offered in relation to the matter. § 11. If they determine that the person under arrest is not the father of the child, he must be forthwith discharged; but if they determine that he is the father, they must make the order of filiation, specifying their determination, as required in § 13 of title vi. Their proceedings must be reduced to writing and subscribed by them.]

#### No. 60.

#### *Order of filiation. § 13.*

County of \_\_\_\_\_, ss:

Whereas, we, the undersigned, being two justices of the peace of said county, having this day associated at \_\_\_\_\_, in said county, upon the application of E. F., overseer of the poor of the town of \_\_\_\_\_ (or, superintendent of the poor of said county), for the purpose of making an examination and determination touching a certain bastard child, lately born in said town of the body of E. B. (or, of a certain child wherewith E. B. is said to be pregnant, and which, when born, will be a bastard), and chargeable (or, likely to become chargeable) to said town (or, county), and of which child C. D. was alleged to be the father: And, whereas, we have duly examined the said E. B. on oath, in the presence of the said C. D., touching the father of said child, and have also heard the proofs and allegations to us offered in relation thereto, as well on the part and behalf of the said overseer (or, superintendent,) as of the said C. D., whereby it appears that the said E. B. was, on the \_\_\_\_\_ day of \_\_\_\_\_, delivered of a bastard child\* in said town (or, that the said E. B. is now pregnant of a child, which, when born, will be a bastard), and which is chargeable (or, likely to become chargeable)

to said town (*or*, county), and that C. D. is the father of said child: We do, therefore, adjudge him, the said C. D., to be the father of the said bastard child; and further, we do hereby order that the said C. D. pay to the overseer of the poor of said town of (*or*, to the superintendent of the poor of said county), for the support of said child, the weekly sum of one dollar, so long as the said child shall continue chargeable to said town (*or*, county); and inasmuch as it appears to us, and we find, that the said E. B. is in indigent circumstances, we determine and order that said C. D. pay to the said overseer of the poor (*or*, superintendents), for the sustenance of the said E. B. during her confinement and recovery therefrom, the sum of            dollars. And we do hereby certify the reasonable costs of apprehending and securing the said father, and of the order of filiation, at the sum of            dollars.

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

G. H., } *Justices.*  
S. T., }

[Upon receiving notice of the order of filiation, the reputed father must immediately pay the costs and execute the bond with one of the conditions specified in § 14 title vi. If the reputed father refuses to pay the costs, he may be committed, notwithstanding he may have given the bond.]

**No. 61.**

*Bond under order of filiation.* § 14.

Know all men, &c. *(as in No. 57, to the \*, and then add)*, the condition of this obligation is such that, whereas, by an order this day duly made and subscribed by the undersigned, justices of the peace of said county, it is adjudged that the said C. D. is the father of a bastard child of which E. B. is pregnant, and which is likely to become chargeable *(or, of a bastard child lately born in said town of E. B., and which is chargeable)* to said town *(or, county)*; and it was thereupon ordered by the said justices, that, &c. *(recite the order for the support of the bastard and sustenance of the mother, as in No. 60.)* Now, therefore, if the said C. D. shall pay the sums for the support of the bastard child and the sustenance of its mother, as the same are ordered by the said justices, as afore-

said, or shall be at any time hereafter ordered by the court of sessions of said county, and shall fully and amply indemnify the said town (or, county), and every other county, town, or city, which may have incurred any expense, or may be put to any expense, for the support of such child or its mother during her confinement or recovery therefrom, against all such expenses, then this obligation to be void ; otherwise of force. (*If the party intends to appeal, instead of the foregoing, say : Now, therefore, if the said C. D. shall personally appear at the next court of sessions of said county, and shall not depart the said court without leave, then this obligation to be void ; otherwise of force.*) Sealed, &c., (*as in No. 57.*)

---

No. 62.

*Warrant to commit putative father. § 15.*

County of

ss :

To any constable of said county, GREETING :

Whereas, by an order of filiation this day made by us, the undersigned, justices of the peace of said county, at , in said county, we did adjudge C. D. to be the father of a bastard child, begotten upon the body of E. B. of said town, and did thereupon order that the said C. D. pay &c. (*set forth the direction for the support of the child, the sustenance of the mother, and the amount of costs and charges required to be paid, as in the order*): And whereas, upon the making and subscribing such order, we did require the said C. D. immediately to pay the costs, so certified, and to enter into a bond, in the penal sum of dollars, with good and sufficient sureties, to be by us approved, with one or other of the conditions which, by the statute in such case made and provided, is prescribed: And whereas, due notice of our said order has been given to the said C. D., but he has wholly neglected to pay the said costs and charges, or to execute the bond as aforesaid (*or as the case may be.*) You are therefore hereby commanded, in the name of the People of the State of New-York, to convey the said C. D. to the common jail of the said county, the keeper whereof is required to receive and detain the said C. D. in custody in said jail until he shall be discharged by the court of sessions of the said county, or shall execute such bond, in the penalty required, as aforesaid.

Given under our hands, at , this day of , 18 .

} Justices.

[In case a bond is taken out of the county in which the prosecution is instituted, with a condition to indemnify the county or town, &c., no order of filiation is necessary; and the bond may be prosecuted when the town becomes damnified. But if the condition be to appear at the court of sessions, &c., the justice who issued the warrant must, as soon as the same is returned to him, call in the aid of another justice of the county, and the two justices must proceed to the examination, making the order of filiation, &c., as in other cases. The order in such a case may be in the following form:]

---

No. 63.

*Order of filiation in the absence of the reputed father, apprehended in a foreign county. § 9.*

County of \_\_\_\_\_, ss:

C. D. having been apprehended in the county of \_\_\_\_\_, in the State of New-York, by virtue of a warrant and the direction thereon endorsed, of which the following are copies, to wit: *(insert copies.)* was carried before M. B., Esq., a justice of the peace of said county of \_\_\_\_\_, who took from him, the said C. D., a bond to the People of the State of New-York, with good and sufficient sureties, in the sum directed in the endorsement on said warrant, conditioned that the said C. D. shall appear at the next court of sessions to be holden in the county of \_\_\_\_\_, and not depart the said court without its leave; and the said bond having been in due form of law returned to the undersigned, G. H., the justice who issued the said warrant, he thereupon immediately called to his aid the undersigned, S. T., another justice of the same county, and the said justices proceeded to make examination of the matter, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at \_\_\_\_\_, in said town, and then and there heard the proofs that were offered in relation thereto; by which it was proven that the said E. B., being in the said town of \_\_\_\_\_, has been delivered of a bastard child, &c. *(conclude as in No. 60, from the \*.)*

[If the mother of an illegitimate child refuses to disclose the name of the father of such child, the justices may commit her to the common jail of the county, by a warrant under their hands, which may be in the following form:]

## No. 64.

*Warrant to commit mother who refuses to disclose the name of the father.*  
§ 20.

County of \_\_\_\_\_, ss:

To any constable of said county, GREETING:

Whereas we, the undersigned, justices of the peace of said county, are now associated for the purpose of examining into the matter, and making order for the indemnity of the town of \_\_\_\_\_, in said county (or, for the indemnity of the said county), against the support of a certain child, said to have been born a bastard of the body of E. B., and chargeable (or, likely to become chargeable) to said town (or, county), upon the application of E. F., overseer of the poor of said town (or, a superintendent of the poor of said county), have required the said E. B., who is now before us, to submit to an examination on oath, in the presence of C. D., who has been brought before us, charged with being the father of said child, to testify touching such charge, and to disclose the name of such father, but the said E. B. wholly refuses to testify and disclose; and inasmuch as it now appears to us, upon due proof thereof given on oath before us, that more than a month has elapsed since the said E. B. was delivered of said child, and that she is now sufficiently recovered from confinement; You are therefore hereby commanded, in the name of the People of the State of New-York, to take the said E. B., and convey her to the common jail of said county, the keeper whereof is required to detain the said E. B. in his custody in said jail until she shall so testify and disclose the name of such father.

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

} Justices.

[When the mother of a bastard child is possessed of property in her own right, two justices of the county, on the application of a superintendent or overseer of the poor, may inquire into the matter, and make an order, charging the mother with the weekly payment of an allowance, or sustentation, for the support of such child. § 21. Although the statute does not, in terms, require that the mother should be notified to show cause against the order, yet this notification is obviously proper, and it would, perhaps, be well to give it in the form of a summons.]

## No. 65.

*Summons where mother has property in her own right.*

County of \_\_\_\_\_, ss :

To any constable of said county, GREETING :

You are hereby required to summon E. B., of the town of \_\_\_\_\_, in said county, to appear before us, the undersigned, justices of the peace of said county, on the \_\_\_\_\_ day of \_\_\_\_\_, instant, at two o'clock in the afternoon, at the office of the undersigned, G. H., to show cause, if any she may have, why we should not make an order for the keeping of a bastard child, said to have been lately born of the said E. B., and chargeable (or, likely to become chargeable) to said county (or, town), by charging the said E. B. with the payment of money weekly, or other sustentation ; E. F., overseer of the poor of said town (or, superintendent of the poor of said county), having applied to us for that purpose. Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

G. H., }  
S. T., } Justices of the Peace.

## No. 66.

*Order to compel the mother to pay for the support of the child. § 21.*

County of \_\_\_\_\_, ss :

Whereas, E. F., one of the superintendents of the poor of said county (or, overseer of the poor of the town of \_\_\_\_\_, in said county), has made application to us, two of the justices of the peace of said county, complaining that E. B., of \_\_\_\_\_, in said county, was lately delivered at \_\_\_\_\_ aforesaid, of a bastard child, which is chargeable (or, likely to become chargeable) to said county (or town) ; and that said E. B. is possessed of property in her own right, and is of sufficient ability to support said child, and desiring that we should examine into the matter, and make order for the indemnity of said county (or town). And whereas, upon examination into the matter of said application, and upon due proof thereof, on oath before us given, and the said E. B., although present at such examination, not showing any sufficient cause to the contrary (or, and the said E. B. neglecting



to appear before us and show cause, if any she might have to the contrary, although duly summoned so to appear), we do therefore hereby order that the said E. B. pay weekly to said superintendent (or, to said overseer) the sum of \_\_\_\_\_, for the support of said child. (*If necessary, insert here, unless the said E. B. shall nurse and take care of said child herself.*)

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

G. H., }  
S. T., } *Justices.*

[A copy of the order, subscribed by the justices, should be served on the mother; and if she desires to appeal from the same to the court of sessions, she must execute a bond, in such penal sum and with such sureties as the justices shall direct, to appear at such court, and not depart without leave. The form of bond to be executed by the putative father, given in No. 61, may be varied to suit this case. The execution of such a bond is in itself to be deemed an appeal without further notice, § 24.

If, after service of the order, the mother refuses or neglects to comply therewith, or to execute the bond as aforesaid, she may be summarily committed to jail until she does comply.]

---

No. 67.

*Warrant to commit mother for not executing bond. § 22.*

County of \_\_\_\_\_, ss:

To any constable of said county, GREETING:

Whereas, by an order, duly made by us, the undersigned, justices of the peace of said county, bearing date the \_\_\_\_\_ day of \_\_\_\_\_, instant, in relation to the keeping of a certain bastard child, lately born in said county of the body of E. B., which is chargeable to the town of \_\_\_\_\_ (or, said county), we directed, &c. (*as in the order*); which order was so made upon the application of E. F., overseer of the poor of said town (or, a superintendent of the poor of said county), and after due notice to the said E. B. to show cause, if any she might have, against the making of such order; and, whereas, a copy of said order, subscribed by us, has been served upon the said E. B., and she has neither executed the bond by law required for her appearance at the next court of sessions, &c., nor complied with the requirements of said order:

You are therefore hereby commanded, in the name of the People of the State of New-York, to take the said E. B., and convey her to the common jail of said county, there to remain, without bail, until she shall comply with said order, or execute the bond authorized by statute as aforesaid.

Given under our hands, at           , this           day of           , 18   .

G. H., }  
S. T., } *Justices.*

[If the mother executes the bond, the justices must transmit the same, with the order of sustenance, to the clerk of the county, before the opening of the next court of sessions, or copies of such bond and order, signed by the justices. All further proceedings in the case are then to be conducted before the court of sessions. § 26.]

It may happen that the woman will refuse to appear voluntarily before a justice or justices to disclose the name of the putative father. In such cases they have power to compel her attendance, and may issue process for that purpose.]

---

No. 68.

*Process to compel attendance of mother before justices. § 20.*

County of           , ss :

To any constable of said county, GREETING :

Whereas, we, the undernamed justices of the peace of said county, have, upon the application of the overseers of the poor of the town of           , in said county (*or*, the superintendents of the poor of said county), associated for the purpose of examining into the matter of a certain complaint made to us by said overseers (*or*, superintendents), that E. B., of said town, is now pregnant with a child, which, when born, will be a bastard, and which is likely to become chargeable to said town (*or*, county) (*or*, that E. B. has been delivered in said town of a bastard child, which is chargeable, or likely to become chargeable, to said town or county); and C. D. having been brought before us this day, charged to be the putative father of said child: Now, therefore, to the intent that the said E. B. may be examined before us, on oath, and in the presence of the said C. D., touching the father of said child, you are hereby commanded, in the name of the People

of the State of New-York, to bring the said E. B., forthwith, before us, at the office of the undersigned, G. H., in \_\_\_\_\_, aforesaid.

Given under our hands, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

G. H., }  
S. T., } *Justices.*

[If the putative father, or the mother of a bastard, or of any child likely to be born a bastard, and likely to become chargeable, run away from their ordinary residence, leaving such bastard or child, the overseers of the poor of the town, or the superintendents of the poor of the county, may apply to any two justices of the peace of the county where any estate, real or personal, of such father or mother may be, for a warrant to seize such estate. § 52. Proof of the facts must be made to the justices.]

---

No. 69.

*Warrant to seize the property of absconding father or mother of bastard. § 52.*

County of \_\_\_\_\_, ss:

To the overseers of the poor of the town of \_\_\_\_\_, in said county (or, to the superintendents of the poor of said county):

It appearing to us, two of the justices of the peace of said county, as well by the representation and application to us made by the said overseers (or, the said superintendents), as upon due proof of the facts before us given, that C. D. is the father of a bastard child whereof E. B., of said town, is now pregnant, and which, when born, is likely to become chargeable to said town (or, county), (or, that C. D. is the father of a bastard child lately born in said town, of E. B., and which is chargeable, or likely to become chargeable, to said town) (or, county), and that said C. D. has absconded from said town, which is the place of his ordinary residence, leaving in said county some estate, real or personal: We therefore, &c. (*Conclude as in No. 2.*)

[The same proceedings must be had under this warrant; and it may be discharged for the same cause and in the same manner as is provided, in relation to absconding parents, by sections 8 to 12 of title 1. The form of accounting may be the same as is prescribed under No. 2.]

[The justices who have made an order of filiation or maintenance, either against the putative father or the mother, may, from time to time, vary the amount directed to be paid, by *reducing* the sum, as circumstances may require. But the sum can be *increased* only by the court of sessions. § 23.

In case of a reduction by the justices, it is proper that they should make a new order, expressive of their determination, and deliver a copy of it to the person charged. As the application for reduction will probably, in most instances, be made by the person charged, the overseers or superintendents, as the case may be, should have an opportunity of showing cause against such reduction, and should, therefore, be notified of the application.]

---

No. 70.

*Order reducing sum to be paid by father or mother. § 23.*

County of                    ss :

To the overseers of the poor of the town of                    , in said county (*or*, the superintendents of the poor of said county):

Whereas, by an order of filiation by us made, bearing date the day of                    last, we did determine that C. D. is the father of a certain bastard child, then lately born in                    aforesaid, and did therein order, among other things, that the said C. D. should pay to you, the said overseers (*or*, superintendents), for the support of said child, the weekly sum of one dollar, so long as said child should continue chargeable to said town (*or*, county). And whereas, upon the application of the said C. D., we have this day inquired into the circumstances of the case, and heard the proofs and allegations to us submitted in relation thereto; and it appearing to us, upon such inquiry, that the circumstances in relation to said bastard child render it proper and expedient that the sum required to be paid by the said C. D., by our former order, should be reduced, as hereinafter expressed: And inasmuch as you the said overseers (*or*, superintendents) have shown before us no sufficient reason against such reduction, although appearing before us (*or*, notified to appear before us and show cause, if any you might have), we do therefore reduce the sum required to be paid by the said C. D., by our former order as aforesaid, to the weekly sum of

Given under our hands, this                    day of                    , 18                   

G. H., }  
S. T., } *Justices.*

## No. 71.

*Notice, by superintendent or overseer, that application will be made to the court of sessions to increase the amount payable in the order of filiation. § 23.*

To C. D.:

You will take notice, that I shall make application to the next court of sessions of the county of \_\_\_\_\_, to be holden at \_\_\_\_\_, in said county, on the \_\_\_\_\_ day of \_\_\_\_\_, at ten o'clock in the forenoon, to increase the sum directed to be paid by the order of filiation, of which the annexed is a copy, for the support of the bastard child therein named; which said application will be founded on the affidavits, copies of which are also annexed.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

L. M. Superintendent of the Poor.

## No. 72.

*Notice to be given to superintendent or overseer for reducing amount in order of filiation. § 23.*

To L. M., superintendent (or, overseer) of the poor:

You are hereby notified that I shall make application to the next court of sessions of the county of \_\_\_\_\_, to be holden at \_\_\_\_\_, in said county, on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_, at ten o'clock in the forenoon, to reduce the amount directed to be paid by the order, &c. (as in No. 71, except that the notice must be signed by the other party.)

[The above notices, with the accompanying papers, must be served on the party to be notified at least ten days before the application is made, by some person who can make an affidavit of the fact.

Under § 24, any person aggrieved (unless he has given a bond to indemnify the public) may appeal, from the order of filiation made by two justices, to the next court of sessions. If a bond for *appearance* has been given by the father or mother of a bastard, that bond, by § 24, is to be regarded as an appeal from the order of filiation. If no such bond has been given, the person appealing must give notice to the two justices making the order, in the following form:—

## No. 73.

*Notice of appeal from order of filiation.*

County of \_\_\_\_\_, ss :

To G. H. and S. T., Esqs., justices of the peace of said county :

You will take notice that the undersigned, conceiving himself aggrieved by the order made by you, of which a copy is annexed, hereby appeals therefrom to the next court of sessions to be hold-en in said county.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

C. D.

[A copy of this notice, with a copy of the order, must be served on the justices and on the opposite party, by some person who can make an affidavit of that fact.]



## REMARKS.

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The resolution of the Legislature, in pursuance of which this pamphlet is published, directs the Secretary of State to accompany the publication of the laws with such notes and explanations as, in his opinion, may be necessary to make them understood. In accordance with this direction, the preceding forms and notes have been prepared. This plan of giving, in connection with each form, a statement of the steps necessary to be taken by the officer in executing the requirements of the statute, it is believed is the most useful mode of pointing out his duties, and will render further explanations unnecessary.

Many of the forms have been prepared with reference to the general laws relating to the poor contained in the Revised Statutes; but these may be easily varied so as to adapt them to the provisions of the local acts which have been passed for the benefit of particular counties.

In preparing this work, the Secretary of State has derived much aid from the forms contained in the Clerk's Assistant, published by JOHN S. JENKINS, Esq., and a pamphlet containing the Poor Laws, published by the Secretary of State, in 1832.

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It is very essential that the superintendents should make their annual reports as early in December as possible, in order that the Secretary of State may transmit his annual report to the Legislature at the commencement of the session. If the supervisors' re-



ports are not received in due time, the superintendents should call on the clerk of the supervisors, and, if necessary, write to the delinquent supervisors, reminding them of their duty.

Supervisors of towns are required to make their reports to the clerk of the board within fifteen days after the town accounts are audited. A neglect to perform this duty subjects the delinquent to a penalty of one hundred dollars.

The superintendents are requested to furnish the name and residence of one of their number, or the secretary of the board, if there is one, with whom the Secretary of State can correspond.

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